



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 3:00 p.m. A quorum present—36:

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Excused: Senators Argenziano, Dawson, Garcia and Villalobos

PRAYER

The following prayer was offered by Senator Fasano:

Dear Heavenly Father, we come before you with humbled hearts to once again thank you for this opportunity to be your servants. We thank you for your willingness to entrust in us the ability to make decisions on behalf of all Floridians.

As we begin deliberations this day on issues of vital importance to our constituents, we ask for your guidance and direction. The things we discuss and the decisions we make will impact millions of people beyond the confines of this chamber. Please allow us to vote for what is right and what is good, and not just for the expedience of the moment. We pray that what we do will have a positive impact on the lives of those who call this great state home.

Heavenly Father, we ask all of this in thy precious name. Amen.

PLEDGE

Senate Pages Jo Ann Cook of Quincy; Jesse Jackson of Tallahassee; Anthony E. Fleites of Coral Gables; and Robert "Robby" Meador III of Miami Lakes, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Stephen Petrofsky of Port Charlotte, sponsored by Senator Carlton; and Dr. John Yannucci II of Sebring, sponsored by Senator Alexander as doctors of the day. Dr. Petrofsky specializes in Podiatry and Dr. Yannucci specializes in Family Medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Peaden—

By Senator Peaden—

SR 2098—A resolution recognizing National Patient Safety Awareness Week, March 4-10, 2007.

WHEREAS, National Patient Safety Awareness Week is an educational and awareness-building campaign for improving patient safety, and

WHEREAS, National Patient Safety Awareness Week is observed on March 4-10, 2007, and

WHEREAS, the theme of the 2007 National Patient Safety Awareness Week is "Patient Safety: A Road Taken Together," and

WHEREAS, the Florida Patient Safety Corporation and Florida's health care delivery system are committed to partnering with patients to continually improve patient safety, and

WHEREAS, the Florida Patient Safety Corporation and Florida's health care delivery system are engaged in a variety of activities to enhance patient safety for Florida residents, and

WHEREAS, the Florida Legislature seeks to improve the quality and safety of health care and to reduce potential harm to patients, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes March 4-10, 2007, as Patient Safety Awareness Week in Florida in recognition of the importance of patient safety to all Florida residents.

—**SR 2098** was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 2800, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

SB 2800—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2007, and ending June 30, 2008, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

House Amendment 1 (934589)(with title amendment)—

Remove everything after the enacting clause and insert:

The moneys contained herein are appropriated from the named funds for the 2007-2008 fiscal year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

[See attached text of HB 5001, 1st Engrossed, 2007 Regular Session]

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2007, and ending June 30, 2008, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 2802, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

SB 2802—A bill to be entitled An act implementing the 2007-2008 General Appropriations Act; providing legislative intent; providing for use of specified calculations with respect to the Florida Education Finance Program; requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity; requiring the Department of Children and Family Services to ensure that certain information regarding child welfare cases is entered into the Florida Safe Families Network; requiring that the department coordinate with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office in order to provide judges, magistrates, and guardians ad litem with access to such information; requiring that the department report its progress on providing such access to the Governor and Legislature; providing for future expiration; amending s. 253.03, F.S.; requiring the Department of Environmental Protection to lease the South Florida Evaluation and Treatment Center to Miami-Dade County for a specified term; requiring Miami-Dade County to sublease the facility to the existing lessee until the new South Florida Evaluation and Treatment Center is completed; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 216.292, F.S.; authorizing certain transfers of appropriations for operations from general revenue between budget categories and entities of the criminal conflict and civil regional councils and the budget category for child dependency and civil conflict cases within the Justice Administrative Commission; providing for future expiration of such provisions; authorizing the Department of Legal Affairs to expend appropriated funds on programs funded in the preceding fiscal year; amending s. 932.7055, F.S.; providing for the expenditure of funds in a special law enforcement trust fund established by the governing body of a municipality; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management premiums and for purposes of aligning amounts paid for human resource management services; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; providing for the future expiration of certain amendments to

such provisions; amending s. 255.249, F.S.; requiring the Department of Management Services to annually publish and furnish to the Governor and the Legislature a master leasing report; deleting provisions requiring the department to submit a report of leases that are due to expire and amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring state agencies to provide information concerning space needs to the Department of Management Services; delaying the expiration of provisions requiring that specified clauses, which may not be amended, supplemented, or waived, be included in the terms and conditions of a lease; authorizing the Department of Management Services to contract for services in carrying out the strategic leasing plan; providing for future expiration of such provisions; amending s. 255.25, F.S.; authorizing state agencies to use the services of a tenant broker; authorizing the department to procure a term contract for real estate consulting and brokerage services; providing requirements for such contract; providing for future expiration of such provisions; requiring an annual report to the Legislature and the Governor; amending s. 255.503, F.S.; requiring that the department provide an analysis to the Legislature, the Governor, and the Division of Bond Finance of the State Board of Administration relating to the disposition of a facility within the Florida Facilities Pool; directing the Department of Environmental Protection to make specified awards of grant moneys for pollution-control purposes; amending s. 320.08058, F.S.; revising requirements for distributing the proceeds from the annual use fee for the Florida panther license plate; providing for future expiration of such revision; amending s. 550.135, F.S.; revising the distribution of revenues deposited into the Pari-mutuel Wagering Trust Fund; providing for such funds to be used for additional purposes relating to the regulation of slot machine gaming; requiring that certain unappropriated funds be deposited into the General Revenue Fund; providing for future expiration of such provisions; amending s. 581.031, F.S.; authorizing the Department of Agriculture and Consumer Services to conduct research projects concerning citrus disease; providing for future expiration of such authorization; amending s. 570.20, F.S.; authorizing moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 253.034, F.S.; authorizing the deposit of funds from the sale of property located in Palm Beach County into the Highway Safety Operating Trust Fund by the Department of Highway Safety and Motor Vehicles; amending s. 311.22, F.S.; prescribing the required matching funds for dredging projects that meet specified conditions; extending the period for a local government to apply to the Executive Office of the Governor for a waiver of certain requirements governing matching funding for public assistance projects; providing a finding that the authorization and issuance of certain debt is in the best interest of the state; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing for severability; providing effective dates.

House Amendment 1 (850817)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2007-2008.*

Section 2. In order to implement Specific Appropriation 669 of the 2007-2008 General Appropriations Act, subsection (5) of section 381.0402, Florida Statutes, is amended to read:

381.0402 Area health education center network.—The department, in cooperation with the state-approved medical schools in this state, shall organize an area health education center network based on earlier medically indigent demonstration projects and shall evaluate the impact of each network on improving access to services by persons who are medically underserved. The network shall be a catalyst for the primary care training of health professionals through increased opportunities for training in medically underserved areas.

(5) Notwithstanding subsection (4), the department may not use any portion of the annual appropriation to administer and evaluate the network. This subsection expires July 1, 2008 2007.

Section 3. In order to implement Specific Appropriation 388 of the 2007-2008 General Appropriation Act, subsection (3) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.—In recognition of the historical inequity in the funding of substance abuse and mental health services for the department's districts and regions and to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be used:

(3)(a) Any additional funding beyond the 2005-2006 fiscal year base appropriation for alcohol, drug abuse, and mental health services shall be allocated to districts for substance abuse and mental health services based on:

1.(a) Epidemiological estimates of disabilities that apply to the respective target populations.

2.(b) A pro rata share distribution that ensures districts below the statewide average funding level per person in each target population of "persons in need" receive funding necessary to achieve equity.

(b) *Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, funds appropriated for forensic mental health treatment services in Specific Appropriation 388 of the 2007-2008 General Appropriations Act shall be allocated to the areas of the state with the greatest service demand and treatment capacity. This paragraph expires July 1, 2008.*

Section 4. In order to implement Specific Appropriation 652 of the 2007-2008 General Appropriations Act, subsection (5) is added to section 458.319, Florida Statutes, to read:

458.319 Renewal of license.—

(5) *Notwithstanding subsections (1)-(4), and for the 2007-2008 fiscal year only, the Department of Health shall waive the biennial license renewal fee for up to 10,000 allopathic and osteopathic physicians, in the aggregate, who have a valid, active license to practice under chapter 458 or chapter 459; whose primary practice address, as reported under s. 456.041, is located within the state; and who submit to the department, prior to the applicable license renewal date, a sworn affidavit that the physician is prescribing medications exclusively through the use of electronic prescribing software at the physician's primary practice address. For purposes of this subsection, "electronic prescribing software" means, at a minimum, software that electronically generates and securely transmits, in real time, a patient prescription to a pharmacy. The department may adopt rules necessary to implement this subsection. This subsection expires July 1, 2008.*

Section 5. In order to implement Specific Appropriation 652 of the 2007-2008 General Appropriations Act, subsection (4) is added to section 459.0092, Florida Statutes, to read:

459.0092 Fees.—The board shall set fees according to the following schedule:

(4) *Notwithstanding subsections (1)-(3), and for the 2007-2008 fiscal year only, the Department of Health shall waive the biennial license renewal fee for up to 10,000 allopathic and osteopathic physicians, in the aggregate, who have a valid, active license to practice under chapter 458 or chapter 459; whose primary practice address, as reported under s. 456.041, is located within the state; and who submit to the department, prior to the applicable license renewal date, a sworn affidavit that the physician is prescribing medications exclusively through the use of electronic prescribing software at the physician's primary practice address. For purposes of this subsection, "electronic prescribing software" means, at a minimum, software that electronically generates and securely transmits, in real time, a patient prescription to a pharmacy. The department may adopt rules necessary to implement this subsection. This subsection expires July 1, 2008.*

Section 6. In order to implement Specific Appropriation 467 of the 2007-2008 General Appropriations Act, subsection (17) is added to section 253.03, Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(17) *Notwithstanding subsections (1)-(16), for the 2007-2008 fiscal year only, and upon approval of the Board of Trustees of the Internal Improvement Trust Fund if necessary, the Division of State Lands of the Department of Environmental Protection shall lease the existing South Florida Evaluation and Treatment Center complex in Miami-Dade County, currently under lease to the Department of Children and Family Services, to Miami-Dade County for the amount of \$1 per year for 99 years to be used by the county for its expanded jail diversion program. The lease of the property shall take place in the 2007-2008 fiscal year, and Miami-Dade County shall sublease the facility to the existing lessee for \$1 per year until the new South Florida Evaluation and Treatment Center is completed on or about April 2008. This subsection expires July 1, 2008.*

Section 7. In order to fulfill legislative intent regarding the use of funds contained in Specific Appropriations 741, 755, 766, and 1231A of the 2007-2008 General Appropriations Act, the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2008.

Section 8. In order to implement Specific Appropriations 730 through 830 and 868 through 899 of the 2007-2008 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter on increasing the number of authorized positions, and for the 2007-2008 ~~2006-2007~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the February 16, 2007 ~~March 21, 2006~~, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to the authority granted in this subsection shall be subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2008 ~~2007~~.

Section 9. In order to implement the appropriation of funds in Special Categories-Risk Management Insurance of the 2007-2008 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2008.

Section 10. In order to implement Specific Appropriations 2659, 2661, 2662, and 2665 of the 2007-2008 General Appropriations Act, for the 2007-2008 fiscal year only and notwithstanding any conflicting requirements of section 4 of chapter 2006-12, Laws of Florida, the Department of Financial Services may expend \$846,021 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses.

Section 11. In order to implement the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract of the 2007-2008 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor is authorized to transfer funds appropriated in the appro-

apropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2008.

Section 12. In order to implement specific appropriations for Expenses in the 2007-2008 General Appropriations Act, subsection (2) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(2) Amendments to the original approved operating budgets for operational and fixed capital outlay expenditures must comply with the following guidelines in order to be approved by the Governor and the Legislative Budget Commission for the executive branch and the Chief Justice and the Legislative Budget Commission for the judicial branch:

(a) The amendment must be consistent with legislative policy and intent.

(b) The amendment may not initiate or commence a new program, except as authorized by this chapter, or eliminate an existing program.

(c) Except as authorized in s. 216.292 or other provisions of this chapter, the amendment may not provide funding or increased funding for items which were funded by the Legislature in an amount less than that requested by the agency in the legislative budget request or recommended by the Governor, or which were vetoed by the Governor.

(d) For amendments that involve trust funds, there must be adequate and appropriate revenues available in the trust fund and the amendment must be consistent with the laws authorizing such trust funds and the laws relating to the use of the trust funds. However, a trust fund shall not be increased in excess of the original approved budget, except as provided in subsection (11).

(e) The amendment shall not conflict with any provision of law.

(f) The amendment must not provide funding for any issue which was requested by the agency or branch in its legislative budget request and not funded in the General Appropriations Act.

(g) The amendment must include a written description of the purpose of the proposed change, an indication of why interim budget action is necessary, and the intended recipient of any funds for contracted services.

(h) The amendment must not provide general salary increases which the Legislature has not authorized in the General Appropriations Act or other laws.

(i) *During the last quarter of fiscal year 2007-2008, agencies are authorized to submit budget amendments to transfer per diem funds within their budget for the purpose of purchasing technology, such as teleconference or video conference equipment and service, in order to reduce travel expenses and increase participation in meetings. This paragraph expires July 1, 2008.*

~~(i) Notwithstanding paragraph (f), the Agency for Persons with Disabilities is authorized to submit an amendment to adjust its full-time equivalent positions, salary rate, and related budget authority to provide sufficient infrastructure and administrative support. This paragraph expires July 1, 2007.~~

Section 13. In order to implement Specific Appropriations 2942 through 2950 of the 2007-2008 General Appropriations Act, paragraph (a) of subsection (3) and subsection (6) of section 287.17, Florida Statutes, as amended by section 25 of chapter 2005-71 and section 16 of chapter 2006-26, Laws of Florida, are reenacted, and that paragraph is amended, to read:

287.17 Limitation on use of motor vehicles and aircraft.—

(3)(a) The term "official state business" may not be construed to permit the use of a motor vehicle or aircraft for commuting purposes, unless special assignment of a motor vehicle or aircraft is authorized as

a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(6) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. A person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

Section 14. *The amendment of s. 287.17, Florida Statutes, by this act, as carried forward from chapter 2005-71, Laws of Florida, shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 30, 2005, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.*

Section 15. In order to implement Specific Appropriation 2761 of the 2007-2008 General Appropriations Act, paragraph (b) of subsection (9) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. These funds must be deposited into the Professional Sports Development Trust Fund within the Office of Tourism, Trade, and Economic Development. These funds must be used by the Florida Sports Foundation to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Office of Tourism, Trade, and Economic Development.

3. The Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, the office shall certify the audit report to the Auditor General for review.

4. For the 2007-2008 ~~2006-2007~~ fiscal year only and notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Profes-

sional Sports Development Trust Fund may also be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. This subparagraph expires July 1, 2008 2007.

Section 16. In order to implement Specific Appropriation 2266 of the 2007-2008 General Appropriations Act, subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61.

(m) To pay the cost of transportation projects selected in accordance with the Transportation Regional Incentive Program created in s. 339.2819.

(n) To pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under chapter 343 or chapter 348, where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System. This paragraph expires July 1, 2008.

(o) To pay other lawful expenditures of the department.

Section 17. In order to implement Specific Appropriations 1631, 1633, 1656, and 1657 of the 2007-2008 General Appropriations Act, subsection (5) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(5)(a) A transfer of funds may not result in the initiation of a fixed capital outlay project that has not received a specific legislative appropriation, except that federal funds for fixed capital outlay projects for the

Department of Military Affairs, which do not carry a continuing commitment on future appropriations by the Legislature, may be approved by the Executive Office of the Governor for the purpose received, subject to the notice and objection procedures set forth in s. 216.177.

(b) Notwithstanding paragraph (a), and for the 2007-2008 ~~2006-2007~~ fiscal year only, the Governor may recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for FEMA Disaster Declarations 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, 1561-DR-FL, 1595-DR-FL, 1602-DR-FL, and EM3259-FL. All actions taken pursuant to the authority granted in this paragraph are subject to review and approval by the Legislative Budget Commission. This paragraph expires July 1, 2008 2007.

Section 18. In order to implement Specific Appropriation 2231 of the 2007-2008 General Appropriations Act, subsection (5) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(5)(a) ADOPTION OF THE WORK PROGRAM.—The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations. In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, adopt a final work program which shall only include the original approved budget for the department for the ensuing fiscal year together with any roll forwards approved pursuant to paragraph (6)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said roll forwards. The adopted work program may include only those projects submitted as part of the tentative work program developed under the provisions of subsection (4) plus any projects which are separately identified by specific appropriation in the General Appropriations Act and any roll forwards approved pursuant to paragraph (6)(c). However, any transportation project of the department which is identified by specific appropriation in the General Appropriations Act shall be deducted from the funds annually distributed to the respective district pursuant to paragraph (4)(a). In addition, the department shall not in any year include any project or allocate funds to a program in the adopted work program that is contrary to existing law for that particular year. Projects shall not be undertaken unless they are listed in the adopted work program.

(b) *Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$14,500,000 for the purpose of funding economic development transportation projects. This transfer shall not reduce, delete, or defer any existing projects funded, as of July 1, 2007, in the Department of Transportation's 5-year work program. This paragraph expires July 1, 2008.*

Section 19. (1) *In order to implement Specific Appropriation 2188 of the 2007-2008 General Appropriations Act, there is created the Seaport Strategic Planning and Financing Task Force. The purpose of the task force is to develop a strategic plan for Florida's ports which will be used to guide future policy development and financial investments to enhance Florida's economic competitiveness with other states and internationally. The task force shall build on the Final Report prepared by the Department of Transportation dated July 2006, entitled "Evaluate Florida's 14 Deepwater Seaports' Economic Performance and the Return on Investment of State Funds" (contract number C8A91).*

(a) *The task force shall be comprised of the following members:*

1. *One seaport director, one seaport finance expert, and one representative from the business community to be appointed by the Speaker of the House of Representatives.*

2. *One seaport director, one seaport finance expert, and one representative from the business community to be appointed by the President of the Senate.*

3. *Four members appointed by the Governor, representing development and commerce and other pertinent business interests.*

(b) *The seaport directors shall serve as co-chairs of the task force. Appointees shall be subject matter experts and include representation from the trucking, rail, and agricultural industries, as well as port development and commerce.*

(c) *The Secretary of Transportation shall sit on the task force as a voting member.*

(2) *The task force members shall serve without compensation. The task force shall be staffed by the Office of Program Policy Analysis and Government Accountability (OPPAGA). The Department of Transportation shall provide assistance to the task force as requested, including providing expert advice and funding assistance for OPPAGA to bring in national and international consultants as deemed appropriate and necessary to meet the intent of this section. The task force shall report its findings and recommendations, including any statutory amendments, to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than January 1, 2008.*

(3) *This section expires July 1, 2008.*

Section 20. In order to implement Specific Appropriations 1631 and 1633 of the 2007-2008 General Appropriations Act, subsection (5) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(5) Unless otherwise specified in the General Appropriations Act:

(a) Whenever the state accepts financial assistance from the Federal Government or its agencies under the federal Public Assistance Program and such financial assistance is conditioned upon a requirement for matching funds, the state shall provide the entire match requirement for state agencies and one-half of the required match for grants to local governments. The affected local government shall be required to provide one-half of the required match prior to receipt of such financial assistance.

(b)1. The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under s. 216.177, of all or a portion of the required match for public assistance projects for local governments if the Executive Office of the Governor determines that such a match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver within the first 18 months after the disaster is declared.

2. *Notwithstanding subparagraph 1., and for the 2007-2008 fiscal year only, an extension is provided until August 1, 2007, of the deadline for local governments to apply for a waiver of local match for disaster funds related to Hurricanes Charley, Frances, Ivan, and Jeanne. The Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice, review, and objection under s. 216.177, of all or a portion of the required local match for public assistance projects for local governments if the Executive Office of the Governor determines that such a local match requirement cannot be provided, or that doing so would impose a documented hardship on the local government, and if the local government applies for the waiver by August 1, 2007. This subparagraph shall take effect upon becoming a law and expires July 1, 2008.*

Section 21. In order to implement specific appropriations for salaries and benefits in the 2007-2008 General Appropriations Act, subsection (4) of section 110.1245, Florida Statutes, is amended to read:

110.1245 Savings sharing program; bonus payments; other awards.—

(4)(a) Each department head is authorized to incur expenditures to award suitable framed certificates, pins, or other tokens of recognition to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Such awards may not cost in excess of \$100 each plus applicable taxes.

(b) *Notwithstanding paragraph (a), and for the 2007-2008 fiscal year only, agencies may additionally use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 to any employee and shall be allocated from an agency's existing*

budget. An employee may not receive awards pursuant to this paragraph in excess of \$100 total during the fiscal year. By March 1, 2008, agencies that elect to make cash awards shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided. This paragraph expires July 1, 2008.

Section 22. In order to implement specific appropriations for salaries and benefits in the 2007-2008 General Appropriations Act, paragraph (a) of subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee's health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2007-2008 ~~2006-2007~~ fiscal year, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member's own funds into a health savings account.

Section 23. (1) *In order to implement Specific Appropriations 1663A, 2867, 2868, and 2869A of the 2007-2008 General Appropriations Act, there is created the Florida Local Update of Census Addresses (LUCA) Program for the purpose of improving the accuracy and completeness of Florida addresses contained in the United States Department of Commerce, Bureau of the Census, Master Address File for use in the 2010 Census. This program shall be administered by the Office of Economic and Demographic Research.*

(2) *Of the designated funds for the Florida LUCA Program, up to \$789,880 may be transferred to the Department of Community Affairs to be awarded as grants. These grants shall be referred to as the Florida LUCA Technical Assistance Grants and shall be awarded to Florida local governments in order to ensure that necessary resources are available for local governments to participate in the program, thereby encouraging 100 percent participation by Florida local governments in the Census Bureau's LUCA program.*

(3) *The Census Bureau's LUCA program shall have three options for participation and Florida's LUCA grant program shall encourage, but not limit, local governments to Option 1: Full Address List Review. To this end, grants shall be available for at least four purposes: training-related travel, temporary staffing or overtime, contractual assistance from other governmental agencies, and technology used to facilitate the review. Award preference shall be given to consolidated requests from counties that include requests from the cities within their boundaries. By interagency agreement, the Office of Economic and Demographic Research may provide additional funds to the Department of Community Affairs for expenses such as travel, training, grants administration and management, and technical assistance related to the Florida LUCA program.*

(4) *Notwithstanding any provision of law to the contrary and upon request, all Florida governmental agencies are required to share confidential lists of residential and institutional (group quarters) addresses with the Office of Economic and Demographic Research or its designated representatives solely for the purposes of this program. Otherwise, all standards of confidentiality shall be maintained. The Office of Economic and Demographic Research may provide local governments lists of addresses without identifying the names of owners or occupants and counts of addresses in order to assist with the local LUCA review process.*

(5) *As necessary to accomplish the purposes of this program in a timely manner, the Department of Community Affairs may use expedited rulemaking authority in order to implement the grant program.*

Section 24. *Any section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2007-2008 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 25. *If any other act passed in 2007 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 26. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 27. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act implementing the 2007-2008 General Appropriations Act; providing legislative intent; amending s. 381.0402, F.S.; prohibiting the Department of Health from using the annual appropriation to administer and evaluate the area health education center network; amending s. 394.908, F.S.; authorizing the Department of Children and Family Services to allocate funds appropriated for forensic mental health treatment services by specified allocation methodology; amending ss. 458.319 and 459.0092, F.S.; requiring the Department of Health to waive the biennial license renewal fee for up to a certain number of allopathic and osteopathic physicians who meet specified qualifications; amending s. 253.03, F.S.; requiring the Department of Environmental Protection to lease the South Florida Evaluation and Treatment Center to Miami-Dade County for a specified term; requiring Miami-Dade County to sublease the facility to the existing lessee until the new South Florida Evaluation and Treatment Center is completed; authorizing the Department of Corrections and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the respective department; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management insurance premiums; authorizing the Department of Financial Services to expend appropriated funds for salaries and related expenses; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for human resource management services; amending s. 216.181, F.S.; authorizing agencies to purchase certain technology with expense funds; deleting a provision that has expired; reenacting s. 287.17(3)(a) and (6), F.S.; authorizing the use of state aircraft for commuting; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; providing for administrative expenses from the State Transportation Trust Fund; amending s. 216.292, F.S.; authorizing the Governor to recommend fixed capital outlay projects funded by Federal Emergency Management Agency grants; providing for review by the Legislative Budget Commission; amending s. 339.135, F.S.; requiring the Department of Transportation to transfer funds to the Office of Tourism, Trade, and Economic Development for the purpose of funding economic development transportation projects; creating the Seaport Strategic Planning and Financing Task Force; providing for the purpose, duties, and membership of the task force; requiring the Office of Program Policy Analysis and Government Accountability to staff the task force and provide funding assistance; requiring the Department of Transportation to provide assistance to the task force; amending s. 252.37, F.S.; extending the deadline for local

governments to apply for a waiver of local match for disaster funds related to specified hurricanes; amending s. 110.1245, F.S.; authorizing state agencies to make cash awards to state employees demonstrating satisfactory service to the agency or the state; providing limits on such awards; requiring a report with respect thereto; amending s. 110.123, F.S.; providing for the state's monthly contribution for employees under the state group insurance program; creating the Florida Local Update of Census Addresses Program within the Office of Economic and Demographic Research; authorizing the transfer of funds designated for the program to the Department of Community Affairs for certain grants; providing requirements relating to the program; authorizing the Department of Community Affairs to use expedited rulemaking authority to implement the program; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing applicability to other legislation; providing severability; providing effective dates.

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1046, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1046—A bill to be entitled An act relating to education; amending s. 551.106, F.S.; providing that certain funds transferred to the Educational Enhancement Trust Fund may be used for recurring appropriations; amending s. 1003.03, F.S.; defining the terms “team teaching,” “co-teaching,” and “inclusion teaching” for purposes of provisions authorizing the use of various teaching strategies in order to implement requirements for class-size reduction; amending s. 1011.62, F.S.; revising the funding model for exceptional student education programs to provide additional funds for students who are gifted in graded K through 8; providing a formula for calculating a supplemental allocation for juvenile justice education programs; deleting certain categorical appropriations that a district school board may, pursuant to resolution, transfer and use for academic classroom instruction; repealing s. 1011.71(5)(b), F.S., relating to obsolete provisions limiting certain uses of proceeds from the district school tax; providing an effective date.

House Amendment 1 (711583)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Wise, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1052, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1052—A bill to be entitled An act relating to the Florida Prepaid Tuition Scholarship Endowment; creating s. 215.5605, F.S.; creating the endowment within the State Board of Administration for the purpose of funding scholarships for economically disadvantaged

youth and youth with disabilities; providing for moneys from the tax on slot machines to be transferred from the Educational Enhancement Trust Fund to the endowment as provided in the General Appropriations Act; providing definitions; requiring the board to invest funds of the endowment and provide reports to the Legislature; providing for the transfer of earnings from the endowment to the Educational Enhancement Trust Fund; requiring the Department of Education to be accountable for funds appropriated to the department; providing requirements for costs and fees; providing requirements for the expenditure and use of distributions from the endowment; providing for revenues of the endowment to be appropriated to the direct-support organization of the Florida Prepaid College Board; providing for the reversion of unencumbered balances of appropriations and undisbursed balances of the endowment's principal; providing an effective date.

House Amendment 1 (064089)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Wise, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1060, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1060—A bill to be entitled An act relating to educational facilities; amending s. 201.15, F.S.; deleting provisions relating to distribution of proceeds from the excise tax on documents to the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 203.01, F.S.; revising the date by which a distribution company must remit taxes on gross receipts from the sale of utility services; prescribing an aspirational date for remission of gross receipts taxes to such trust fund; amending s. 1013.64, F.S.; prescribing the life to be used for certain facilities in calculating distributions from such trust fund; clarifying those K-12 students on whose behalf distributions will be made from such trust fund; deleting provisions relating to distributions from such trust fund for specified programs; amending s. 1013.65, F.S.; deleting reference to certain moneys paid into such trust fund and to moneys set aside for distribution to a specified program; amending s. 1013.738, F.S.; deleting a provision relating to distributions from such trust fund for a specified program; providing an effective date.

House Amendment 1 (073549)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(d) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a), (b), and (c), shall be paid into the State Treasury to the credit of:

1. The State Transportation Trust Fund in the Department of Transportation in the amount of \$541.75 million in each fiscal year, to be paid

in quarterly installments and used for the following specified purposes, notwithstanding any other law to the contrary:

a. For the purposes of capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, 10 percent of these funds;

b. For the purposes of the Small County Outreach Program specified in s. 339.2818, 5 percent of these funds;

c. For the purposes of the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.; and

d. For the purposes of the Transportation Regional Incentive Program specified in s. 339.2819, 25 percent of these funds after allocating for the New Starts Transit Program described in sub-subparagraph a. and the Small County Outreach Program described in sub-subparagraph b.

2. The Water Protection and Sustainability Program Trust Fund in the Department of Environmental Protection in the amount of \$100 million in each fiscal year, to be paid in quarterly installments and used as required by s. 403.890.

~~3. The Public Education Capital Outlay and Debt Service Trust Fund in the Department of Education in the amount of \$105 million in each fiscal year, to be paid in monthly installments with \$75 million used to fund the Classrooms for Kids Program created in s. 1013.735, and \$30 million to be used to fund the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738. If required, new facilities constructed under the Classrooms for Kids Program must meet the requirements of s. 1013.372.~~

3.4. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of \$3.25 million in each fiscal year to be paid in monthly installments, with \$3 million to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and \$250,000 to be used to fund the Century Commission established in s. 163.3247.

Moneys distributed pursuant to this paragraph may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 2. Subsection (7) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

~~(7) Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) to fund the Classrooms for Kids Program created in s. 1013.735 and the High Growth County District Capital Outlay Assistance Grant Program created in s. 1013.738 shall be distributed as provided by those sections.~~

Section 3. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified for ward pursuant to s. 216.301.

4.a. ~~Funds paid pursuant to s. 201.15(1)(d).~~

b. ~~The sum of \$41.75 million of such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.~~

Section 4. Subsection (4) of section 1013.738, Florida Statutes, is amended to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.—

(4) ~~Moneys distributed to the Public Education Capital Outlay and Debt Service Trust Fund pursuant to s. 201.15(1)(d) for the High Growth District Capital Outlay Assistance Grant Program created in this section shall be distributed as provided by this section.~~

Section 5. This act shall take effect July 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to the distribution of documentary stamp taxes; amending s. 201.15, F.S.; deleting a provision relating to distribution of proceeds from the excise tax on documents to the Public Education Capital Outlay and Debt Service Trust Fund; amending s. 1013.64, F.S.; deleting provisions relating to distributions from such trust fund for specified programs; amending s. 1013.65, F.S.; deleting reference to certain moneys paid into such trust fund and to moneys set aside for distribution to a specified program; amending s. 1013.738, F.S.; deleting a provision relating to distributions from such trust fund for a specified program; providing an effective date.

On motion by Senator King, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1064, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1064—A bill to be entitled An act relating to facility enhancement challenge grant programs; amending s. 1011.32, F.S., relating to the Community College Facility Enhancement Challenge Grant Program; requiring that a project be approved by the State Board of Education or the Legislature; requiring that unexpended private matching funds revert to the direct-support organization capital facilities matching account of the community college; requiring that unexpended state matching funds revert to the trust fund from which the funds were appropriated; amending s. 1013.79, F.S., relating to the University Facility Enhancement Challenge Grant Program; providing for the future termination of the Alec P. Courtelis Capital Facilities Matching Trust Fund; prescribing procedures for terminating the trust fund; requiring each state university to establish a facilities matching grant program account for the deposit of private contributions; providing for the transfer of state funds with respect to the account; removing certain sources of state funds for use in matching private contributions; requiring the Board of Governors of the State University System to establish a method for validating the receipt and deposit of private matching funds; requiring the Board of Governors rather than the State Board of Education to approve projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program; deleting provisions providing for the reversion of trust fund moneys to conform to changes made by the act; providing for the Board of Governors to approve the naming of a facility in honor of a donor; providing an effective date.

House Amendment 1 (397859)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator King, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1116, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1116—A bill to be entitled An act relating to health care; amending s. 409.911, F.S.; providing for the calculation of payments made to hospitals serving a disproportionate share of low-income patients; amending s. 409.912, F.S.; prohibiting the Agency for Health Care Administration from distributing moneys under the regional perinatal intensive care centers disproportionate share program for the 2007-2008 fiscal year; amending s. 409.913, F.S.; requiring the agency to distribute moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program for the 2007-2008 fiscal year; amending s. 409.917, F.S.; prohibiting the agency from distributing moneys under the primary care disproportionate share program for the 2007-2008 fiscal year; amending s. 409.912, F.S.; providing an exception to behavioral health care services delivered through a specialty prepaid plan for certain specified children; amending s. 409.91211, F.S.; requiring the Agency for Health Care Administration to implement delivery mechanisms to provide Medicaid services to Medicaid-eligible children who are open for child welfare services in the HomeSafeNet system; requiring that the services be sufficient to meet the medical, developmental, behavioral, and emotional needs of the children; directing the agency to implement the service delivery by a specified date; providing an effective date.

House Amendment 1 (667869)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2001, 2002, and 2003 2000, 2001, and 2002 audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2007-2008 2006-2007 state fiscal year.

(b) If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(c) In accordance with s. 1923(b) of the Social Security Act, a hospital with a Medicaid inpatient utilization rate greater than one standard

deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

Section 2. Section 409.9112, Florida Statutes, is amended to read:

409.9112 Disproportionate share program for regional perinatal intensive care centers.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year 2007-2008 2005-2006, the agency shall not distribute moneys under the regional perinatal intensive care centers disproportionate share program.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the regional perinatal intensive care center program:

$$\text{TAE} = \text{HDSP}/\text{THDSP}$$

Where:

TAE = total amount earned by a regional perinatal intensive care center.

HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

$$\text{TAP} = \text{TAE} \times \text{TA}$$

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

(3) In order to receive payments under this section, a hospital must be participating in the regional perinatal intensive care center program pursuant to chapter 383 and must meet the following additional requirements:

(a) Agree to conform to all departmental and agency requirements to ensure high quality in the provision of services, including criteria adopted by departmental and agency rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department and agency deem appropriate as specified by rule.

(b) Agree to provide information to the department and agency, in a form and manner to be prescribed by rule of the department and agency, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

(c) Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

(d) Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

(e) Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

(f) Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

(g) Agree to provide backup and referral services to the department's county health departments and other low-income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

(h) Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(4) Hospitals which fail to comply with any of the conditions in subsection (3) or the applicable rules of the department and agency shall not receive any payments under this section until full compliance is achieved. A hospital which is not in compliance in two or more consecutive quarters shall not receive its share of the funds. Any forfeited funds shall be distributed by the remaining participating regional perinatal intensive care center program hospitals.

Section 3. Section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under ss. 409.911 and 409.9112, the Agency for Health Care Administration shall make disproportionate share payments to statutorily defined teaching hospitals for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. For the state fiscal year 2007-2008 2006-2007, the agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals under the teaching hospital disproportionate share program. The funds provided for statutorily defined teaching hospitals shall be distributed in the same proportion as the state fiscal year 2003-2004 teaching hospital disproportionate share funds were distributed. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(1) On or before September 15 of each year, the Agency for Health Care Administration shall calculate an allocation fraction to be used for distributing funds to state statutory teaching hospitals. Subsequent to the end of each quarter of the state fiscal year, the agency shall distribute to each statutory teaching hospital, as defined in s. 408.07, an amount determined by multiplying one-fourth of the funds appropriated for this purpose by the Legislature times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(a) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of full-time equivalent trainees in the hospital, which comprises two components:

1. The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in paragraph (a). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

2. The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(c) A service index that comprises three components:

1. The Agency for Health Care Administration Service Index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to services offered by the given hospital, as reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Agency for Health Care Administration Service Index values, where the total is computed for all state statutory teaching hospitals.

2. A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Agency for Health Care Administration to the volume of each service, expressed in terms of the standard units of measure reported on Worksheet A-2 for the last fiscal year reported to the agency before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

3. Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

(2) By October 1 of each year, the agency shall use the following formula to calculate the maximum additional disproportionate share payment for statutorily defined teaching hospitals:

$$TAP = THAF \times A$$

Where:

TAP = total additional payment.

THAF = teaching hospital allocation factor.

A = amount appropriated for a teaching hospital disproportionate share program.

Section 4. Section 409.9117, Florida Statutes, is amended to read:

409.9117 Primary care disproportionate share program.—For the state fiscal year 2007-2008 ~~2006-2007~~, the agency shall not distribute moneys under the primary care disproportionate share program.

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

$$TAE = HDSP/THDSP$$

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

$$TAP = TAE \times TA$$

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911, payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the Florida Healthy Kids Corporation, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 5. Subsection (26) is added to section 409.906, Florida Statutes, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(26) *ANESTHESIOLOGIST ASSISTANT SERVICES.*—*The agency may pay for all services provided to a recipient by an anesthesiologist assistant licensed under s. 458.3475 or s. 459.023. Reimbursement for such services must be not less than 80 percent of the reimbursement that would be paid to a physician who provided the same services.*

Section 6. Subsection (36) of section 393.063, Florida Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter, the term:

(36) "Support coordinator" means a person who is designated by or under contract with the agency to serve as case manager for ~~assist~~ individuals served in programs administered by the agency, including, but not limited to, Medicaid waiver programs, and to identify individuals' ~~families in identifying their capacities, needs, and resources, as well as finding and gaining access to necessary supports and services; coordinating the delivery of supports and services; advocating on behalf of the individual and family; maintaining relevant records; and monitoring and evaluating the delivery of supports and services. A support coordinator is responsible for assisting the agency in meeting the needs of individuals served while managing expenditures within available resources to determine the extent to which they meet the needs and expectations identified by the individual, family, and others who participated in the development of the support plan.~~

Section 7. Paragraph (c) is added to subsection (1) of section 393.0661, Florida Statutes, to read:

393.0661 Home and community-based services delivery system; comprehensive redesign.—The Legislature finds that the home and community-based services delivery system for persons with developmental disabilities and the availability of appropriated funds are two of the critical elements in making services available. Therefore, it is the intent of the Legislature that the Agency for Persons with Disabilities shall develop and implement a comprehensive redesign of the system.

(1) The redesign of the home and community-based services system shall include, at a minimum, all actions necessary to achieve an appropriate rate structure, client choice within a specified service package, appropriate assessment strategies, an efficient billing process that contains reconciliation and monitoring components, a redefined role for

support coordinators that avoids potential conflicts of interest, and ensures that family/client budgets are linked to levels of need.

(c) *By December 1, 2007, the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration, shall create a model service delivery system pilot project for persons with developmental disabilities who receive services under the developmental disabilities waiver program administered by the Agency for Persons with Disabilities. Persons with developmental disabilities who receive services under the family and supported living waiver program or the consumer-directed care plus waiver program administered by the Agency for Persons with Disabilities may also be included in the system if the agency determines that such inclusion is feasible and will improve coordination of care and management of costs. The system must transfer and combine all services funded by Medicaid waiver programs and services funded only by the state, including room and board and supported living payments, for individuals who participate in the system. The pilot project shall document increased client outcomes that are known to be associated with a valid needs assessment of the level of need of the client, rate setting based on the level of need, and encouragement of the use of community-centered services and supports. The pilot project shall implement strong utilization control, such as capped rates, in order to ensure predictable and controlled annual costs. Medicaid service delivery, including, but not limited to, service authorization, care management, and monitoring shall be managed locally through the area office of the Agency for Persons with Disabilities in order to encourage provider development. Support coordination services shall be available to individuals participating in the pilot program.*

1. *The Legislature intends that the service delivery system provide recipients in Medicaid waiver programs with a coordinated system of services, increased cost predictability, and a stabilized rate of increase in Medicaid expenditures while ensuring:*

- a. *Consumer choice.*
- b. *Opportunities for consumer-directed services.*
- c. *Access to medically necessary services.*
- d. *Coordination of community-based services.*
- e. *Reductions in the unnecessary use of services.*

2. *The Agency for Persons with Disabilities shall implement the system on a pilot basis in Area 1 and may conduct a similar pilot in an urban area of the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration. After completion of the development phase of the system, attainment of necessary federal approval, selection of qualified providers, and rate setting, the Agency for Persons with Disabilities shall delegate administration of the system to the administrator of the agency's local area office. The Agency for Persons with Disabilities shall set standards for qualified providers and provide quality assurance, monitoring oversight, and other duties necessary for the system. The enrollment of Medicaid waiver recipients into the system in pilot areas shall be mandatory.*

3. *The local area office shall administer the pilot program and shall be responsible for ensuring that the costs of the program do not exceed the amount of funds allocated for the program. The agency area administrator shall also:*

- a. *Identify the needs of the recipients using a standardized assessment process approved by the agency.*
- b. *Allow a recipient to select any provider that has been qualified by the agency, provided that the service offered by the provider is appropriate to meet the needs of the recipient.*
- c. *Make a good faith effort to select qualified providers currently providing Medicaid waiver services for the agency in the pilot area.*
- d. *Develop and use a service provider qualification system approved by the agency that describes the quality of care standards that providers of service to persons with developmental disabilities must meet in order to provide services within the pilot area.*
- e. *Exclude, when feasible, chronically poor-performing providers and facilities as determined by the agency.*

f. Demonstrate a quality assurance system and a performance improvement system that are satisfactory to the agency.

4. The agency must ensure that the rate-setting methodology for the system reflects the intent to provide quality care in the least restrictive setting appropriate for the recipient and provide for choice by the recipient. The agency may choose to limit financial risk for the pilot area operating the system to cover high-cost recipients or to address the catastrophic care needs of recipients enrolled in the system.

5. Within 24 months after implementation, the agency shall contract for a comprehensive evaluation of the system. The evaluation must include assessments of cost savings, cost-effectiveness, recipient outcomes, consumer choice, access to services, coordination of care, and quality of care. The evaluation shall include, but not be limited to, an assessment of the following aspects:

a. A study of the funding patterns of the cost-prediction methodology before and after implementation of the pilot program;

b. A study of the service utilization patterns of the cost-prediction methodology before and after implementation of the pilot program;

c. The accuracy of the cost-prediction methodology in explaining and predicting funding levels for individuals receiving each of the three waivers in the pilot areas;

d. The accuracy of the cost-prediction methodology and a plan for dealing with cases involving individuals with the highest and lowest support needs and funding levels;

e. A survey of consumer satisfaction regarding consumer choice, scope of services, and proposed funding levels generated by the cost-prediction methodology in the pilot areas;

f. The applicability of the cost-prediction methodology to explain and predict funding levels for all individuals receiving the waivers;

g. The robustness of the cost-prediction methodology to withstand appeals and grievances; and

h. A systematic comparison of the outcomes in both pilot areas and the different models that are demonstrated.

6. Each pilot area shall form an advisory committee that includes representatives from the stakeholder community, including persons with disabilities, family members of persons with disabilities, members of disability advocacy groups, and representatives of program service providers to provide feedback and monitor the implementation of the pilot program on at least a quarterly basis.

7. The Agency for Persons with Disabilities shall form an advisory committee that includes representatives from the stakeholder community, including persons with disabilities, family members of persons with disabilities, members of disability advocacy groups, and representatives of program service providers to provide feedback and monitor the implementation of the pilot program from a statewide perspective.

8. The advisory committees shall submit reports evaluating the progress of the pilot programs to the President of the Senate and the Speaker of the House of Representatives on a quarterly basis.

9. The agency shall submit a report that describes the administrative or legal barriers to the implementation and operation of the system, including recommendations regarding statewide expansion of the system and a recommendation for the model service delivery system to be implemented statewide, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2008.

10. The agency, in coordination with the Agency for Health Care Administration, may seek federal waivers or Medicaid state plan amendments and adopt rules as necessary to administer the system on a pilot basis. The agency must receive specific authorization from the Legislature prior to expanding beyond the area one pilot designated for the implementation of this system. Further expansion of this pilot project requires approval by the Legislature.

Section 8. The sum of \$250,000 in nonrecurring funds from the General Revenue Fund and \$250,000 in nonrecurring funds from the Admin-

istrative Trust Fund are appropriated to the Agency for Persons with Disabilities to implement the provisions of this act.

Section 9. This act shall take effect July 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to health care; amending s. 409.911, F.S.; revising the method for calculating disproportionate share payments to hospitals; amending s. 409.9112, F.S.; revising the time period during which the Agency for Health Care Administration is prohibited from distributing disproportionate share payments to regional perinatal intensive care centers; amending s. 409.9113, F.S.; revising the time period for distribution of disproportionate share payments to teaching hospitals; amending s. 409.9117, F.S.; revising the time period during which the agency is prohibited from distributing certain moneys under the primary care disproportionate share program; amending s. 409.906, F.S.; authorizing the agency to pay for certain services provided by an anesthesiologist assistant; amending s. 393.063, F.S.; revising the definition of the term "support coordinator"; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration, to implement federal waivers to create a model service delivery system pilot project for Medicaid recipients with developmental disabilities; providing legislative intent; providing for implementation of the system on a pilot basis in certain areas of the state; providing for administration of the system by the Agency for Persons with Disabilities; providing requirements for selection of service providers to operate the system; providing for mandatory enrollment in pilot areas; requiring an evaluation of the system; providing for the formation of local and statewide advisory committees; requiring the committees to submit quarterly reports to the Legislature; requiring the agency to submit a report to the Governor and Legislature; authorizing the agency to seek federal waivers or Medicaid state plan amendments and adopt rules; requiring the agency to receive specific authorization from the Legislature before expanding the system; providing appropriations; providing an effective date.

On motion by Senator Peaden, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1124, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1124—A bill to be entitled An act relating to home and community-based services for persons with developmental disabilities; amending s. 393.0661, F.S.; requiring the Agency for Persons with Disabilities, in consultation with the Agency for Health Care Administration, to develop and implement standards for a three-tiered waiver system for the purpose of serving clients with developmental disabilities; providing requirements and limitations with respect to each tier; requiring the Agency for Persons with Disabilities to seek federal approval as necessary to implement the waiver system; requiring the agency to adopt rules providing eligibility criteria; deleting authorization for the agency to adopt certain emergency rules; providing an effective date.

House Amendment 1 (779277)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Peaden, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1126, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1126—A bill to be entitled An act relating to tobacco education and prevention; creating s. 381.84, F.S.; providing legislative findings; providing definitions; requiring the Department of Health to establish a comprehensive statewide tobacco education and prevention program; requiring the department to contract with the AHEC network and to expand the smoking cessation initiative to each county; providing components of the program; creating the Tobacco Education and Prevention Advisory Council; providing for membership; providing for terms of appointment; providing for reimbursement for per diem and travel expenses; providing the responsibilities of the council; requiring the department to submit an annual report to the Governor and the Legislature; providing requirements for the report; requiring the department to adopt rules; providing an effective date.

House Amendment 1 (573411)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 381.84, Florida Statutes, is created to read:

381.84 Comprehensive Statewide Tobacco Education and Prevention Program.—

(1) *As used in this section and for purposes of the provisions of s. 27, Art. X of the State Constitution, the term:*

(a) *“CDC” means the United States Centers for Disease Control and Prevention.*

(b) *“Department” means the Department of Health.*

(c) *“Tobacco” means, without limitation, tobacco itself and tobacco products that include tobacco and are intended or expected for human use or consumption, including, but not limited to, cigarettes, cigars, pipe tobacco, and smokeless tobacco.*

(d) *“Youth” means minors and young adults.*

(2) *It is the purpose of this section to implement s. 27, Art. X of the State Constitution. The Legislature finds that s. 27, Art. X of the State Constitution is intended to require the department to conduct a statewide tobacco education and prevention program that focuses on youth tobacco use. The Legislature further finds that the primary goals of the program are to reduce the prevalence of tobacco use among youth, adults, and pregnant women, reduce per capita tobacco consumption, and reduce exposure to environmental tobacco smoke.*

(3) *The department shall conduct a comprehensive, statewide tobacco education and prevention program consistent with the recommendations for effective program components contained in the 1999 Best Practices for Comprehensive Tobacco Control Programs of the CDC, as amended by the CDC. The program shall include the following components, each of which shall focus on educating people, particularly youth and their parents, about the health hazards of tobacco and discouraging the use of tobacco:*

(a) *An advertising campaign using, at a minimum, Internet, print, radio, and television advertising, funded with a minimum of one-third of the total annual appropriation required by s. 27, Art. X of the State Constitution.*

(b) *Cessation programs, including counseling and treatment.*

(c) *Evaluation of the effectiveness of community and statewide programs.*

(d) *Evidence-based curricula and programs, including school-based and after-school programs, which involve youth, educate youth about the health hazards of tobacco, help youth develop skills to refuse tobacco, and demonstrate to youth how to stop using tobacco.*

(e) *Programs of local community-based partnerships, including programs for the prevention, detection, and early intervention of smoking-related chronic diseases.*

(f) *Training of health care providers and smoking cessation counselors.*

(4) *The Tobacco Education and Prevention Advisory Council is created within the department.*

(a) *The council shall consist of 14 members, including:*

1. *The Secretary of Health, or a designee.*

2. *Two members appointed by the Commissioner of Education, of whom one must be a school district superintendent.*

3. *The chief executive officer of the Florida Division of the American Cancer Society, or a designee.*

4. *The chief executive officer of the Greater Southeast Affiliate of the American Heart Association, or a designee.*

5. *The chief executive officer of the American Lung Association of Florida, or a designee.*

6. *Four members appointed by the Governor, of whom two must have expertise in the field of tobacco prevention and education or smoking cessation.*

7. *Two members appointed by the President of the Senate, of whom one must have expertise in the field of tobacco prevention and education or smoking cessation.*

8. *Two members appointed by the Speaker of the House of Representatives, of whom one must have expertise in the field of tobacco prevention and education or smoking cessation.*

(b) *The appointments shall be for a 3-year term and shall reflect the diversity of the state's population. A vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term.*

(c) *An appointed member may not serve more than two consecutive terms.*

(d) *The council shall annually elect from its membership one member to serve as chairperson of the council and one member to serve as vice chairperson.*

(e) *The council shall meet at least quarterly and upon the call of the chairperson.*

(f) *Members of the council shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.*

(g) *The department shall provide council members with information and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.*

(5) *The council shall advise the Secretary of Health as to the direction and scope of the Tobacco Education and Prevention Program. The responsibilities of the council include, but are not limited to:*

(a) *Providing advice on program priorities and emphases.*

(b) *Providing advice on the overall program budget.*

(c) *Participating in periodic program evaluation.*

(d) *Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.*

(e) *Assisting in the development of administrative procedures relating to solicitation, review, and award of contracts and grants, to ensure an impartial, high-quality peer review system.*

(f) *Assisting in the development and supervision of peer review panels.*

(g) *Reviewing reports of peer review panels and making recommendations for contracts and grants.*

(h) *Recommending meaningful outcome measures through a regular review of tobacco prevention and education strategies and programs of other states and the Federal Government.*

(i) *Recommending policies to encourage a coordinated response to tobacco use in this state, focusing specifically on creating partnerships within and between the public and private sectors.*

(6) *Contracts and grants for the program components described in subsection (3) shall be awarded by the Secretary of Health, after consultation with the council, on the basis of merit, as determined by an open, competitive, peer review process that ensures objectivity, consistency, and high quality. A recipient of a contract or grant for the program component described in paragraph (3)(c) shall not be eligible for a contract or grant award for any other program component described in subsection (3) in the same state fiscal year.*

(a) *To ensure that all proposals for funding are appropriate and are evaluated fairly on the basis of merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, qualified experts in the field of tobacco control to review the content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.*

(b) *The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels shall be subject to the provisions of chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.*

(c) *In each contract or grant agreement, the department shall limit the use of food and promotional items to no more than 2.5 percent of the total amount of the contract or grant and limit overhead or indirect costs to no more than 7.5 percent of the total amount of the contract or grant. The department, in consultation with the Department of Financial Services, shall publish guidelines for appropriate food and promotional items.*

(d) *In each advertising contract, the department shall limit the total of production fees, buyer commissions, and related costs to no more than 5 percent of the total contract amount.*

(7) *By January 31 of each year, the department shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that evaluates the program's effectiveness in reducing and preventing tobacco use and that recommends improvements to enhance the program's effectiveness. The report shall contain, at a minimum, an annual survey of youth attitudes and behavior toward tobacco, as well as a description of the progress in reducing the prevalence of tobacco use among youth, adults, and pregnant women, reducing per capita tobacco consumption, and reducing exposure to environmental tobacco smoke.*

(8) *From the total funds appropriated for the Comprehensive Statewide Tobacco Education and Prevention Program in the General Appropriations Act, an amount of up to 5 percent may be used by the department for administrative expenses.*

(9) *The department may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.*

Section 2. This act shall take effect July 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to tobacco education and prevention; creating s. 381.84, F.S.; requiring the Department of Health to

conduct a statewide tobacco education and prevention program; providing definitions; providing legislative purpose and findings; establishing components of the program; creating the Tobacco Education and Prevention Advisory Council; providing membership and duties of the council; providing reimbursement for travel and other expenses for council members; requiring the Secretary of Health to award grants in consultation with the council; providing for the appointment of a peer review panel to review proposals for funding; specifying the use of funds appropriated under the program; requiring an annual report by the department; providing rulemaking authority; providing an effective date.

On motion by Senator Peaden, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1086, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1086—A bill to be entitled An act relating to the capital collateral regional counsel; amending s. 27.701, F.S.; deleting provisions providing for a pilot program in the northern region of the state to operate the office of the capital collateral regional counsel; providing an effective date.

House Amendment 1 (814753)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1088, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1088—A bill to be entitled An act relating to due process; amending s. 27.40, F.S.; providing for offices of criminal conflict and civil regional counsel to be appointed to represent persons in certain cases in which the public defender is unable to provide representation; providing for private counsel to be appointed only when the public defender and the regional counsel are unable to provide representation; providing for the clerk of court to maintain the registry of attorneys available for appointment; providing for compensation of appointed counsel who are not on the registry; requiring attorneys to maintain records in order to claim extraordinary compensation; creating s. 27.405, F.S.; requiring the Justice Administrative Commission to track expenditures of court-appointed counsel; requiring reports concerning expenditures and certain characteristics of court-appointed counsel; creating s. 27.425, F.S.; requiring the chief circuit judge to recommend compensation rates for providers of due process services; providing for rates to be prescribed in the General Appropriations Act; creating s. 27.511, F.S.; creating an office of criminal conflict and civil regional counsel within the boundaries of each of the five district courts of appeal; providing legislative intent; directing the Justice Administrative Commission to provide administrative support to the offices; prescribing qualifications for and providing for appointment of the regional counsel; providing prohibitions related to the practice of law; requiring that the criminal conflict

and civil regional counsel be appointed when the public defender has a conflict of interest in specified cases; prohibiting appointment of the office in certain circumstances; providing for appellate representation; providing for the regional counsel to provide representation in certain civil proceedings; amending s. 27.512, F.S., relating to orders of no imprisonment; conforming provisions to the creation of the regional offices; amending s. 27.52, F.S., relating to the determination of indigent status; conforming provisions to the creation of the regional offices; amending s. 27.525, F.S.; revising the purposes of the Indigent Criminal Defense Trust Fund; amending s. 27.53, F.S.; authorizing the regional counsel to employ assistant regional counsel; authorizing certain investigators to carry concealed weapons and serve process under certain conditions; requiring the regional counsel to develop coordinated classification and pay plans; providing for appropriations to be determined by a funding formula; amending s. 27.5301, F.S.; providing for salaries for the regional counsel and assistant counsel; amending s. 27.5303, F.S., relating to conflicts of interest in the representation of indigent defendants; conforming provisions to changes made by the act; eliminating the authority for the Justice Administrative Commission to contest motions to withdraw; providing for the regional counsel to file a motion to withdraw from a criminal or civil case due to a conflict of interest; providing procedures and criteria; amending s. 27.5304, F.S., relating to compensation of private court-appointed counsel, to conform; providing that compensation is based upon a flat fee prescribed in the General Appropriations Act; revising and eliminating certain procedures relating to billings; raising the maximum fee for representation in capital cases; prescribing fee limits for representation in certain dependency proceedings; prescribing conditions, procedures, and amounts for paying compensation to counsel in excess of established limits; requiring counsel to file a motion and submit documentation; providing for a hearing; requiring a written order and findings; requiring the Office of State Courts Administrator to report data on compensation exceeding prescribed limits; amending s. 27.54, F.S., relating to payments for public defenders; conforming provisions to the creation of the offices of criminal conflict and civil regional counsel; amending s. 27.59, F.S.; authorizing the regional counsel to have access to prisoners; amending s. 28.24, F.S.; requiring the clerk of court to provide certain services to the criminal conflict and civil regional counsel without charge; expanding the authorized use of certain service-charge revenues distributed to counties to include technology for the regional counsel; amending s. 28.345, F.S.; exempting the regional counsel from certain court-related fees and charges; amending s. 29.001, F.S.; providing for the public defenders' offices to include the criminal conflict and civil regional counsel for purposes of implementing provisions of the State Constitution; providing for state funding; amending ss. 29.006 and 29.007, F.S., relating to indigent defense costs and court-appointed counsel; conforming provisions to the creation of the regional counsel; amending s. 29.008, F.S.; requiring counties to provide certain funding related to the offices of the guardian ad litem and the criminal conflict and civil regional counsel; revising definitions related to county funding responsibilities; revising methods for determining certain local funding requirements, to conform; amending s. 29.015, F.S., relating to deficits in due-process funds; conforming provisions to the creation of the regional counsel; revising procedures for use of certain contingency funds; amending s. 29.018, F.S., relating to cost sharing of due-process services; conforming provisions to the creation of the regional counsel; amending s. 39.815, F.S.; conforming a cross-reference; amending s. 43.16, F.S.; authorizing the Justice Administrative Commission to provide administrative assistance to criminal conflict and civil regional counsel; revising the application of provisions to conform to changes made by the act; amending s. 57.082, F.S.; revising provisions governing the determination of civil indigent status in order to include the appointment of public attorneys in addition to private attorneys; requiring the court to appoint the office of criminal conflict and civil regional counsel in certain civil cases; amending s. 110.205, F.S.; exempting officers and employees of the regional offices from the state career service system; amending s. 125.69, F.S.; authorizing counties to contract with the regional counsel to represent defendants charged with violations of ordinances; amending s. 216.011, F.S.; providing that the regional offices are state agencies for state budgeting purposes; amending s. 744.331, F.S.; providing for the appointment of the office of criminal conflict and civil regional counsel for alleged incapacitated persons; providing a temporary exception from certain education requirements for regional counsel; amending s. 938.29, F.S.; providing that certain defendants are liable for regional counsel fees and certain due-process costs; creating a lien against the property of persons who receive regional counsel representation and other due-process services; creating a lien against certain parents for fees and costs; providing for enforcement by the clerk and valuation of fees and costs by the court;

repealing s. 27.42, F.S., relating to circuit Article V indigent services committees; providing legislative findings and intent regarding implementation of the act; providing effective dates.

House Amendment 1 (428497)(with title amendment)—

Remove everything after the enacting clause and insert:

Section 1. Section 27.40, Florida Statutes, is amended to read:

27.40 ~~Appointed~~ *Appointed* ~~court-appointed~~ *counsel system; component programs circuit registries; minimum requirements; appointment by court.—*

(1) Counsel shall be appointed *by the public defender of the circuit* to represent any individual in a criminal or civil proceeding entitled to ~~appointed court-appointed~~ counsel under the Federal or State Constitution or as authorized by general law. *No court may order that a particular attorney be named as an appointed attorney in a case. No court may enter any court order affecting, nor otherwise direct or control, the provision of appointed attorney services; however, a court shall not be prohibited from exercising traditional means of discipline of attorneys appearing before the court. Any reference in this part to the appointment of the public defender shall also refer to the subsequent selection and appointment by the public defender of another attorney to represent an individual in the event of a conflict of interest or for representation of indigent litigants in civil proceedings where necessary to meet constitutional or statutory requirements. The court shall appoint a public defender to represent indigent persons as authorized in s. 27.51. Private counsel shall be appointed to represent indigents in those cases in which provision is made for court-appointed counsel but the public defender is unable to provide representation due to a conflict of interest or is not authorized to provide representation.*

(2) *The public defender of each judicial circuit shall be the administrator of all appointed attorney services authorized under s. 27.51 within the circuit. The public defender shall administratively create component programs as a separate unit of each public defender's office, and the public defender shall sufficiently insulate the units from each other so as to ensure that confidential client information is not exchanged. Component programs under the administration of each public defender shall include the following:*

(a) *A criminal and delinquency program, which shall represent any person described in s. 27.51(1)(a), (b), or (c).*

(b) *A dependency and termination of parental rights program, which shall represent any person described in s. 27.51(1)(e).*

(c) *A civil program, which shall represent any person described in s. 27.51(1)(d) and (f)-(m).*

(d) *A conflict program, which shall represent any person described in s. 27.51(1)(a)-(m) when a conflict of interest exists in accordance with s. 27.5303. Private counsel appointed by the court to provide representation shall be selected from a registry of individual attorneys established by the circuit Article V indigent services committee or procured through a competitive bidding process.*

(3) *Each public defender shall have the authority to determine the most cost-effective method or methods for the delivery of appointed attorney services for that public defender's circuit. Authorized methods shall include, but not be limited to, the use of state employees, cross-circuit conflict representation, assigned attorney registries, and contractual agreements with individual attorneys, law firms, or groups of attorneys or law firms. Any contractual agreement may be terminated by a successor public defender without penalty. No contract or agreement may obligate the state to pay sums in excess of the moneys appropriated to the public defender for indigent services, and any contract shall be subject to annual appropriations. In utilizing a registry:*

(a) *Each circuit Article V indigent services committee shall compile and maintain a list of attorneys in private practice, by county and by category of cases. From October 1, 2005, through September 30, 2007, the list of attorneys compiled by the Eleventh Judicial Circuit shall provide the race, gender, and national origin of assigned attorneys. To be included on a registry, attorneys shall certify that they meet any minimum requirements established in general law for court appointment, are available to represent indigent defendants in cases requiring*

court appointment of private counsel, and are willing to abide by the terms of the contract for services. To be included on a registry, an attorney also must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry. Each attorney on the registry shall be responsible for notifying the circuit Article V indigent services committee and the Justice Administrative Commission of any change in his or her status. Failure to comply with this requirement shall be cause for termination of the contract for services and removal from the registry until the requirement is fulfilled.

(b) The court shall appoint attorneys in rotating order in the order in which names appear on the applicable registry, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney not appointed in the order in which his or her name appears on the list shall remain next in order.

(c) If it finds the number of attorneys on the registry in a county or circuit for a particular category of cases is inadequate, the circuit Article V indigent services committee shall notify the chief judge of the particular circuit in writing. The chief judge shall submit the names of at least three private attorneys with relevant experience. The clerk of court shall send an application to each of these attorneys to register for appointment.

(d) Quarterly, each circuit Article V indigent services committee shall provide a current copy of each registry to the Chief Justice of the Supreme Court, the chief judge, the state attorney and public defender in each judicial circuit, the clerk of court in each county, the Justice Administrative Commission, and the Indigent Services Advisory Board. From October 1, 2005, through September 30, 2007, the report submitted by the Eleventh Judicial Circuit shall include the race, gender, and national origin of all attorneys listed in and appointed under the registry.

(4) To be eligible for court appointment, an attorney must be a member in good standing of The Florida Bar, *must meet in addition to any other qualifications specified by general law, and must meet any criteria established by the public defender.*

(5) The Justice Administrative Commission shall approve uniform contract forms for use in procuring the services of private court-appointed counsel and uniform procedures and forms for use by a court-appointed attorney in support of billing for attorney's fees, costs, and related expenses to demonstrate the attorney's completion of specified duties.

(6) After court appointment, the attorney must immediately file a notice of appearance with the court indicating acceptance of the appointment to represent the defendant.

(5)(7)(a) A private An attorney appointed by a public defender to represent a defendant or other client is entitled to payment for services pursuant to s. 27.5304, only upon full performance by the attorney of specified duties, adherence to any billing procedures specified in the contract by the public defender, submission of all documentation required by the contract, approval of payment by the public defender, court, except for payment based on a flat fee per case as provided in s. 27.5304; and attorney submission of a payment request to the Justice Administrative Commission within 60 days following completion of the work unless otherwise specified in the contract. Upon being permitted to withdraw from a case, a court-appointed attorney shall submit a copy of the order to the Justice Administrative Commission at the time it is issued by the court. If a private an attorney is permitted to withdraw or is otherwise removed from representation prior to full performance of the duties specified in this section for reasons other than breach of duty, the public defender trial court shall approve payment of attorney's fees and costs for work performed as provided in the contract in an amount not to exceed the amounts specified in s. 27.5304. Withdrawal from a case prior to full performance of the duties specified shall create a rebuttable presumption that the attorney is not entitled to the entire flat fee for those cases paid on a flat-fee-per-case basis.

(6)(b) A private The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the defendant or other client. These records and documents are subject to review by the public defender and the Justice Administrative Commission, subject to the attorney-client privilege and work prod-

uct privilege. *Subject to the attorney-client privilege, these records and documents shall be made available to the Governor, the Legislature, and the general public upon request.*

(7)(8) Subject to the attorney-client privilege and the work-product privilege, a private an attorney who withdraws or is removed from representation shall deliver all files, notes, documents, and research to a the successor attorney within 15 days after receiving notice from the successor attorney designated by the public defender. The successor attorney shall bear the cost of transmitting all files, notes, documents, and research.

(8)(9) A circuit Article V indigent services committee or Any interested person may advise the public defender court of any circumstance affecting the quality of representation, including, but not limited to, false or fraudulent billing, misconduct, failure to meet continuing legal education requirements, solicitation to receive compensation from the defendant or other client a private the attorney is appointed to represent, or failure to file appropriate motions in a timely manner.

(9)(10) This section does not apply to attorneys appointed to represent persons in postconviction capital collateral cases pursuant to part IV of this chapter.

Section 2. *Section 27.42, Florida Statutes, is repealed.*

Section 3. Subsections (1) and (2) of section 27.51, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

27.51 Duties of public defender.—

(1) The public defender shall represent, or secure representation for, without additional compensation, any person determined to be indigent under s. 27.52 and:

(a) Under arrest for, or charged with, a felony;

(b) Under arrest for, or charged with:

1. A misdemeanor authorized for prosecution by the state attorney;

2. A violation of chapter 316 punishable by imprisonment;

3. Criminal contempt; or

4. A violation of a special law or county or municipal ordinance ancillary to a state charge, or if not ancillary to a state charge, only if the public defender contracts with the county or municipality to provide representation pursuant to ss. 27.54 and 125.69.

The public defender shall not provide representation pursuant to this paragraph if the court, prior to trial, files in the cause an order of no imprisonment as provided in s. 27.512;

(c) Alleged to be a delinquent child pursuant to a petition filed before a circuit court;

(d) Sought by petition filed in such court to be involuntarily placed as a mentally ill person under part I of chapter 394, involuntarily committed as a sexually violent predator under part V of chapter 394, or involuntarily admitted to residential services as a person with developmental disabilities under chapter 393. A public defender shall not represent any plaintiff in a civil action brought under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, or the federal statutes, or represent a petitioner in a rule challenge under chapter 120, unless specifically authorized by statute;

(e) The parent of a child involved in shelter hearings and termination of parental rights proceedings as specifically authorized under parts V and XI of chapter 39;

(f) Alleged to be infected with a sexually transmitted disease and for whom isolation, hospitalization, or confinement is sought pursuant to chapter 384;

(g) A minor who petitions the court for waiver of parental notification under s. 390.01114;

(h) Alleged to be infected with active tuberculosis and for whom isolation, hospitalization, or confinement is sought pursuant to chapter 392;

(i) *Alleged to be substance-abuse impaired and for whom involuntary assessment, stabilization, or treatment is sought pursuant to chapter 397;*

(j) *Alleged to be a vulnerable adult in need of protective services pursuant to s. 415.1051;*

(k) *Alleged to be incapacitated and for whom an involuntary guardianship is sought pursuant to chapter 744;*

(l) *A person for whom involuntary commitment is sought subsequent to an acquittal by reason of insanity pursuant to s. 916.15;*

(m) *A parent of a child alleged to be in need of services or as a child alleged to be in contempt under chapter 984;*

(n)(e) Convicted and sentenced to death, for purposes of handling an appeal to the Supreme Court; or

(o)(f) Is appealing a matter in a case arising under paragraphs (a)-(n) (a)-(d) .

(2) ~~The court may not appoint the public defender may not be appointed to represent, even on a temporary basis, any person who is not indigent. The court, however, may appoint private counsel in capital cases as provided in ss. 27.40 and 27.5303.~~

Section 4. Subsection (1) of section 27.512, Florida Statutes, is amended to read:

27.512 Order of no imprisonment.—

(1) In each case *set forth in s. 27.51(1)(b)*, in which the court determines that it will not sentence the defendant to imprisonment if convicted, the court shall issue an order of no imprisonment and ~~the court may not appoint the public defender may not be appointed~~ to represent the defendant. If the court issues an order of no imprisonment following the appointment of the public defender, the court shall immediately terminate the public defender's services. However, if at any time the court withdraws the order of no imprisonment with respect to an indigent defendant, the court shall appoint the public defender to represent the defendant.

Section 5. Paragraphs (b) and (d) of subsection (1), paragraph (c) of subsection (2), subsection (3), paragraph (b) of subsection (4), subsections (5) and (6), and paragraph (a) of subsection (7) of section 27.52, Florida Statutes, are amended to read:

27.52 Determination of indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(b) An applicant shall pay a \$40 application fee to the clerk for each application for ~~appointed court-appointed~~ counsel filed. The applicant shall pay the fee within 7 days after submitting the application. If the applicant does not pay the fee prior to the disposition of the case, the clerk shall notify the court, and the court shall:

1. Assess the application fee as part of the sentence or as a condition of probation; or
2. Assess the application fee pursuant to s. 938.29.

(d) All application fees collected by the clerk under this section shall be transferred monthly by the clerk to the Department of Revenue for deposit in the Indigent Services Criminal Defense Trust Fund administered by the Justice Administrative Commission, to be used to as appropriated by the Legislature. The clerk may retain 2 percent of application fees collected monthly for administrative costs prior to remitting the remainder to the Department of Revenue.

(2) DETERMINATION BY THE CLERK.—The clerk of the court shall determine whether an applicant seeking appointment of a public defender is indigent based upon the information provided in the application and the criteria prescribed in this subsection.

(c)1- If the clerk determines that the applicant is indigent, the clerk shall submit the determination to the office of the public defender and immediately file the determination in the case file.

~~2. If the public defender is unable to provide representation due to a conflict pursuant to s. 27.5303, the public defender shall move the court for withdrawal from representation and appointment of private counsel.~~

(3) APPOINTMENT OF COUNSEL ON INTERIM BASIS.—If the clerk of the court has not made a determination of indigent status at the time a person requests appointment of a public defender, the court shall make a preliminary determination of indigent status, pending further review by the clerk, and may, by court order, appoint ~~the~~ a public defender ~~or private counsel~~ on an interim basis.

(4) REVIEW OF CLERK'S DETERMINATION.—

(b) Based upon its review, the court shall make one of the following determinations and, if the applicant is indigent, shall appoint ~~the~~ a public defender ~~or, if appropriate, private counsel~~:

1. The applicant is not indigent.
2. The applicant is indigent.

(5) INDIGENT FOR COSTS.—~~No funds appropriated to the public defender or the Justice Administrative Commission shall be expended for costs incurred by privately retained counsel or a pro se litigant or defendant except as specifically authorized by this chapter and the public defender. A person who is eligible to be represented by a public defender under s. 27.51 but who is represented by private counsel not appointed by the court for a reasonable fee as approved by the court, on a pro bono basis, or who is proceeding pro se, may move the court for a determination that he or she is indigent for costs and eligible for the provision of due process services, as prescribed by ss. 29.006 and 29.007, funded by the state.~~

~~(a) The person must submit to the court:~~

- ~~1. The completed application prescribed in subsection (1).~~
- ~~2. In the case of a person represented by counsel, an affidavit attesting to the estimated amount of attorney's fees and the source of payment for these fees.~~

~~(b) In reviewing the motion, the court shall consider:~~

- ~~1. Whether the applicant applied for a determination of indigent status under subsection (1) and the outcome of such application.~~
- ~~2. The extent to which the person's income equals or exceeds the income criteria prescribed in subsection (2).~~
- ~~3. The additional factors prescribed in subsection (4).~~
- ~~4. Whether the applicant is proceeding pro se.~~
- ~~5. When the applicant retained private counsel.~~
- ~~6. The amount of any attorney's fees and who is paying the fees.~~

~~(c) Based upon its review, the court shall make one of the following determinations:~~

- ~~1. The applicant is not indigent for costs.~~
- ~~2. The applicant is indigent for costs.~~

~~(d) The provision of due process services based upon a determination that a person is indigent for costs under this subsection must be effectuated pursuant to a court order, a copy of which the clerk shall provide to counsel representing the person, or to the person directly if he or she is proceeding pro se, for use in requesting payment of due process expenses through the Justice Administrative Commission. Counsel representing a person declared indigent for costs shall execute the Justice Administrative Commission's contract for counsel representing persons determined to be indigent for costs.~~

(6) DUTIES OF PARENT OR LEGAL GUARDIAN.—A nonindigent parent or legal guardian of an applicant who is a minor or an adult tax-

dependent person shall furnish the minor or adult tax-dependent person with the necessary legal services and costs incident to a delinquency proceeding or, upon transfer of such person for criminal prosecution as an adult pursuant to chapter 985, a criminal prosecution in which the person has a right to legal counsel under the Constitution of the United States or the Constitution of the State of Florida. The failure of a parent or legal guardian to furnish legal services and costs under this section does not bar the appointment of legal counsel pursuant to this section, s. 27.40, or s. 27.5303. When the public defender, ~~a private court-appointed conflict counsel, or a private attorney~~ is appointed to represent a minor or an adult tax-dependent person in any proceeding in circuit court or in a criminal proceeding in any other court, the parents or the legal guardian shall be liable for payment of the fees, charges, and costs of the representation even if the person is a minor being tried as an adult. Liability for the fees, charges, and costs of the representation shall be imposed in the form of a lien against the property of the nonindigent parents or legal guardian of the minor or adult tax-dependent person. The lien is enforceable as provided in s. 27.561 or s. 938.29.

(7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

(a) If the court learns of discrepancies between the application or motion and the actual financial status of the person found to be indigent or indigent for costs, the court shall determine whether the public defender ~~or private attorney~~ shall continue representation or whether the authorization for any other due process services previously authorized shall be revoked. The person may be heard regarding the information learned by the court. If the court, based on the information, determines that the person is not indigent or indigent for costs, the court shall order the public defender ~~or private attorney~~ to discontinue representation and revoke the provision of any other authorized due process services.

Section 6. Section 27.525, Florida Statutes, is amended to read:

27.525 Indigent Services Criminal Defense Trust Fund.—The Indigent Services Criminal Defense Trust Fund is hereby created, to be administered by the Justice Administrative Commission. Funds shall be credited to the trust fund as provided in s. 27.52, to be used *exclusively for indigent services in each circuit in accordance with this part the purposes set forth therein*. The Justice Administrative Commission shall account for these funds on a circuit basis, and appropriations from the fund shall be proportional to each circuit's collections.

Section 7. Subsection (1) of section 27.53, Florida Statutes, is amended to read:

27.53 Appointment of assistants and other staff; method of payment.—

(1)(a) The public defender of each judicial circuit is authorized to employ and establish, in such numbers as authorized by the General Appropriations Act, assistant public defenders and other staff and personnel pursuant to s. 29.006, who shall be paid from funds appropriated for that purpose.

(b) Notwithstanding the provisions of s. 790.01, s. 790.02, or s. 790.25(2)(a), an investigator employed by a public defender, while actually carrying out official duties, is authorized to carry concealed weapons if the investigator complies with s. 790.25(3)(o). However, such investigators are not eligible for membership in the Special Risk Class of the Florida Retirement System. *Each investigator employed by a public defender shall have full authority to serve any witness subpoena or court order issued, by any court or judge within any judicial circuit served by the public defender, in a criminal case in which the public defender has been appointed.*

(c) The public defenders of all judicial circuits shall jointly develop a coordinated classification and pay plan which shall be submitted on or before January 1 of each year to the Justice Administrative Commission, the office of the President of the Senate, and the office of the Speaker of the House of Representatives. Such plan shall be developed in accordance with policies and procedures of the Executive Office of the Governor established in s. 216.181.

(d) Each assistant public defender appointed by a public defender under this section shall serve at the pleasure of the public defender. ~~Each investigator employed by a public defender shall have full authority to serve any witness subpoena or court order issued, by any court or~~

~~judge within the judicial circuit served by such public defender, in a criminal case in which such public defender has been appointed to represent the accused.~~

Section 8. Section 27.5303, Florida Statutes, is amended to read:

27.5303 Public defenders; conflict of interest.—

(1)(a) If, at any time during the representation of two or more *clients* ~~defendants~~, a public defender determines that the interests of those *clients* ~~accused~~ are so adverse or hostile that they cannot all be counseled by *members of the public defender or his or her staff practicing within a single unit of his or her office* without conflict of interest, or that none can be counseled by the public defender or his or her staff because of a conflict of interest, then the public defender shall *file a notice of conflict and intent to reassign to the conflict unit of his or her office* ~~file a motion to withdraw and move the court to appoint other counsel~~. If requested by the Justice Administrative Commission, the public defender shall submit a copy of the motion to the Justice Administrative Commission at the time it is filed with the court. The Justice Administrative Commission shall have standing to appear before the court to contest any motion to withdraw due to a conflict of interest. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any ~~motion to withdraw due to a conflict of interest~~. The court may shall review the *notice* and may inquire or conduct a hearing into the adequacy of the public defender's representations regarding a conflict of interest without requiring the disclosure of any confidential communications. The court shall *enter an order denying reassignment by the public defender* ~~deny the motion to withdraw~~ if the court finds the grounds for ~~withdrawal~~ *are insufficient or the asserted conflict is not prejudicial to a the indigent client of the public defender*. Five days following the hearing if a hearing is held, or, if no hearing is held, 5 days following the filing of the notice, if no order of denial has been entered by the court, the public defender shall reassign one or more of the clients to the conflict unit of his or her office. ~~If the court grants the motion to withdraw, the court shall appoint one or more attorneys to represent the accused.~~

(b) Upon its own motion, the court shall *notify the appropriate public defender* ~~appoint such other counsel~~ when the facts developed upon the face of the record and court files in the case disclose a conflict of interest. The court shall advise the ~~appropriate~~ public defender and clerk of court, in writing, *specifically stating with a copy to the Justice Administrative Commission, if so requested by the Justice Administrative Commission, when making the motion and appointing one or more attorneys to represent the accused*. ~~The court shall specify the basis for the conflict. Upon receipt of such notice, the public defender shall determine if a conflict of interest exists and, if necessary, reassign one or more of the clients to the conflict unit of his or her office.~~

(c) ~~In no case shall the court approve a withdrawal by the public defender based solely upon inadequacy of funding or excess workload of the public defender.~~

(c)(d) In determining whether or not there is a conflict of interest, the public defender shall apply the standards contained in the Uniform Standards for Use in Conflict of Interest Cases found in appendix C to the Final Report of the Article V Indigent Services Advisory Board dated January 6, 2004.

(2) ~~The court shall appoint conflict counsel pursuant to s. 27.40. The appointed attorney may not be affiliated with the public defender or any assistant public defender in his or her official capacity or any other private attorney appointed to represent a codefendant. The public defender may not participate in case-related decisions, performance evaluations, or expense determinations in conflict cases.~~

(3) ~~Private court-appointed counsel shall be compensated as provided in s. 27.5304.~~

(4)(a) ~~If a defendant is convicted and the death sentence is imposed, the appointed attorney shall continue representation through appeal to the Supreme Court. The attorney shall be compensated as provided in s. 27.5304. If the attorney first appointed is unable to handle the appeal, the court shall appoint another attorney and that attorney shall be compensated as provided in s. 27.5304.~~

(2)(b) The public defender ~~or an attorney appointed pursuant to this section~~ may be appointed by the court rendering the judgment imposing

the death penalty to represent an indigent defendant who has applied for executive clemency as relief from the execution of the judgment imposing the death penalty.

(c) When the appointed attorney in a capital case has completed the duties imposed by this section, the attorney shall file a written report in the trial court stating the duties performed by the attorney and apply for discharge.

Section 9. Effective upon this act becoming a law, subsection (11) is added to section 27.5304, Florida Statutes, and, effective August 1, 2007, subsections (1) through (10) of that section are amended, to read:

27.5304 *Limits on appointed Private court-appointed counsel; compensation.*—

(1) Private court-appointed counsel appointed by a public defender under this part shall be compensated by the Justice Administrative Commission from the budget allocated to the public defender appointing the counsel in an amount not to exceed the contract between the public defender and the attorney or the fee limits established in this section, whichever is lower. The attorney may also shall be reimbursed for reasonable and necessary expenses in accordance with s. 29.007, subject to limits in the contract between the public defender and the attorney. In no event may payment be made to a private attorney if such payment would exceed the public defender's approved operating budget. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he or she represented the defendant. This section does not allow stacking of the fee limits established by this section. Private court-appointed counsel providing representation under an alternative model shall enter into a uniform contract with the Justice Administrative Commission and shall use the Justice Administrative Commission's uniform procedures and forms in support of billing for attorney's fees, costs, and related expenses. Failure to comply with the terms of the contract for services may result in termination of the contract.

(2) The public defender Justice Administrative Commission shall review an intended billing by private court-appointed counsel for attorney's fees or costs and shall not approve any fee or cost not authorized by the contract or that is excessive. If any appointed attorney has been found by a court to have provided ineffective assistance of counsel in any appointed case, and that judgment is final and not subject to further appeal, the appointed attorney shall not be entitled to payment of costs and fees for the case, shall repay all costs and fees already paid for the representation, shall reimburse the public defender for the cost of replacement counsel at all subsequent hearings or trials, and may be subject to a malpractice action by the client pursuant to law. based on a flat fee per case for completeness and compliance with contractual, statutory, and circuit Article V indigent services committee requirements. The commission may approve the intended bill for a flat fee per case for payment without approval by the court if the intended billing is correct. For all other intended billings, prior to filing a motion for an order approving payment of attorney's fees, costs, or related expenses, the private court-appointed counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and reasons therefor shall be communicated to the private court-appointed counsel. The private court-appointed counsel may thereafter file his or her motion for order approving payment of attorney's fees, costs, or related expenses together with supporting affidavits and all other necessary documentation. The motion must specify whether the Justice Administrative Commission objects to any portion of the billing or the sufficiency of documentation and shall attach the Justice Administrative Commission's letter stating its objection. The attorney shall have the burden to prove the entitlement to attorney's fees, costs, or related expenses. A copy of the motion and attachments shall be served on the Justice Administrative Commission at least 5 business days prior to the date of a hearing. The Justice Administrative Commission shall have standing to appear before the court to contest any motion for order approving payment of attorney's fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment unless ordered otherwise. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before

the court for the purpose of contesting any motion for order approving payment of attorney's fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court. The court retains primary authority and responsibility for determining the reasonableness of all billings for attorney's fees, costs, and related expenses, subject to statutory limitations. Private court-appointed counsel is entitled to compensation upon final disposition of a case, except as provided in subsections (7), (8), and (10). Before final disposition of a case, a private court-appointed counsel may file a motion for fees, costs, and related expenses for services completed up to the date of the motion in any case or matter in which legal services have been provided by the attorney for more than 1 year. The amount approved by the court may not exceed 80 percent of the fees earned, or costs and related expenses incurred, to date, or an amount proportionate to the maximum fees permitted under this section based on legal services provided to date, whichever is less. The court may grant the motion if counsel shows that failure to grant the motion would work a particular hardship upon counsel.

(3) The compensation for representation in a criminal proceeding shall not exceed the following:

- (a) 1. For misdemeanors and juveniles represented at the trial level: \$1,000.
2. For noncapital, nonlife felonies represented at the trial level: \$2,500.
3. For life felonies represented at the trial level: \$3,000.
4. For capital cases represented at the trial level: \$3,500.
5. For representation on appeal: \$2,000.

(b) If a death sentence is imposed and affirmed on appeal to the Supreme Court, the appointed attorney shall be allowed compensation, not to exceed \$1,000, for attorney's fees and costs incurred in representing the defendant as to an application for executive clemency, with compensation to be paid out of general revenue from funds budgeted to the Department of Corrections.

(4) By January 1 of each year, the Article V Indigent Services Advisory Board shall recommend to the Legislature any adjustments to the compensation provisions of this section.

(4)(5)(a) If counsel is entitled to receive compensation for representation pursuant to court appointment in a termination of parental rights proceeding under chapter 39, such compensation shall not exceed \$1,000 at the trial level and \$2,500 at the appellate level.

(5)(b) Counsel entitled to receive compensation for representation pursuant to court appointment in a proceeding under chapter 384 or chapter 392 shall receive reasonable compensation as fixed by the public defender court making the appointment.

(6) A private attorney appointed in lieu of the public defender to represent an indigent defendant may not reassign or subcontract the case to another attorney or allow another attorney to appear at a critical stage of a case except as authorized by the public defender who is not on the registry developed under s. 27.40.

(7) The public defender may authorize Private court-appointed counsel representing a parent in a dependency case that is open may submit a request for payment in to the Justice Administrative Commission at the following intervals in complex or lengthy cases.:

- (a) Upon entry of an order of disposition as to the parent being represented.
- (b) Upon conclusion of a 12-month permanency review.
- (c) Following a judicial review hearing.

In no case, however, may counsel submit requests under this subsection more than once per quarter, unless the court finds extraordinary circumstances justifying more frequent submission of payment requests.

(8) The General Appropriations Act may amend the general limits per case provided for in this section. Private court-appointed counsel repre-

senting an individual in an appeal to a district court of appeal or the Supreme Court may submit a request for payment to the Justice Administrative Commission at the following intervals:

(a) Upon the filing of an appellate brief, including, but not limited to, a reply brief.

(b) When the opinion of the appellate court is finalized.

(9) A public defender may, in extraordinary circumstances, approve a fee in excess of the general limits per case provided for in this section. Extraordinary circumstances will not, however, authorize the public defender to expend moneys in excess of the total appropriation for indigent services provided in the General Appropriations Act. The public defenders of the state shall jointly establish criteria for determining what are extraordinary circumstances under this subsection. No court shall have jurisdiction to determine what are extraordinary circumstances under this subsection, nor shall any court order that a public defender find that such extraordinary circumstances exist. The question of whether a case or cases present extraordinary circumstances under this subsection is one of discretion within the limited budgetary authority of a public defender. Private court-appointed counsel may not bill for preparation of invoices whether or not the case is paid on the basis of an hourly rate or by flat fee.

(10) A public defender who achieves cost savings in the provision of appointed counsel services may request that up to 50 percent of the amount of savings that would otherwise revert be used instead for priorities identified by the public defender. Such requests are subject to review and approval of the Legislative Budget Commission. The Justice Administrative Commission shall develop a schedule to provide partial payment of criminal attorney fees for cases that are not resolved within 6 months. The schedule must provide that the aggregate payments shall not exceed limits established by law. Any partial payment made pursuant to this subsection shall not exceed the actual value of services provided to date. Any partial payment shall be proportionate to the value of services provided based on payment rates included in the contract, not to exceed any limit provided by law.

(11) No indigent services committee shall authorize the payment of any compensation to a court-appointed counsel that is in excess of the fee schedules in subsections (3)-(5) or in excess of the local fee schedule adopted by such committee, whichever is lower. The Justice Administrative Commission shall not pay any invoice for compensation to a court-appointed counsel that is in excess of the fee schedules in subsections (3)-(5) or in excess of the local fee schedule adopted by the indigent services committee, whichever is lower. If any court orders payment of compensation to a private court-appointed counsel that is in excess of the fee schedules in subsections (3)-(5) or in excess of the local fee schedule adopted by the indigent services committee, whichever is lower, the amount of the compensation that is in excess of the lower fee cap shall be paid from funds appropriated to the state courts system.

Section 10. Section 27.561, Florida Statutes, is amended to read:

27.561 Effect of nonpayment.—

(1) Whenever a ~~recipient defendant-recipient~~ or parent of a recipient is ordered to pay attorney's fees or costs, default in the payment thereof shall be cause for finding the ~~recipient defendant-recipient~~ or parent of a recipient in contempt of court, and the court may issue a show cause citation or a warrant of arrest for the ~~defendant-recipient's or parent's~~ appearance.

(2) Unless the ~~recipient defendant-recipient~~ or parent of a recipient shows that default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to make the payment, the court may find that the default constitutes contempt and order him or her committed until the attorney's fees or costs, or a specified part thereof, are paid or may take any other action appropriate under the circumstances, including revocation of probation.

(3) If it appears to the satisfaction of the court that the default in the payment of the attorney's fees or costs is not contempt, the court may enter an order allowing the ~~recipient defendant-recipient~~ or parent of a recipient additional time for, or reducing the amount of, payment or ~~revoking the assessed attorney's fees or costs, or the unpaid portion thereof, in whole or in part.~~

Section 11. Section 27.562, Florida Statutes, is amended to read:

27.562 Disposition of funds.—The first \$40 of all funds collected pursuant to s. 938.29 shall be deposited into the Indigent Services ~~Criminal Defense~~ Trust Fund pursuant to s. 27.525. The remaining funds collected pursuant to s. 938.29 shall be distributed as follows:

(1) Twenty-five percent shall be remitted to the Department of Revenue for deposit into the Justice Administrative Commission's Indigent Services ~~Criminal Defense~~ Trust Fund.

(2) Seventy-five percent shall be remitted to the Department of Revenue for deposit into the General Revenue Fund.

The Justice Administrative Commission shall account for funds deposited into the Indigent Services ~~Criminal Defense~~ Trust Fund by circuit. Appropriations from the fund shall be proportional to each circuit's collections. All judgments entered pursuant to this part shall be in the name of the state.

Section 12. Section 27.58, Florida Statutes, is amended to read:

27.58 Administration of public defender services.—The public defender of each judicial circuit of the state shall be the chief administrator of all public defender services authorized under s. 27.51 within the circuit. *The public defender of each judicial circuit shall also be the chief administrator of all indigent representation services within the circuit.*

Section 13. Section 27.59, Florida Statutes, is amended to read:

27.59 Access to prisoners.—The public defender, ~~defenders and~~ assistant public defenders, and attorneys appointed to provide indigent services by a public defender pursuant to this part shall be empowered to inquire of all persons who are incarcerated in lieu of bond or detained and to tender them advice and counsel at any time, ~~but~~ The provisions of this section shall not apply with respect to persons who have engaged private counsel.

Section 14. Section 27.7001, Florida Statutes, is amended to read:

27.7001 Legislative intent and findings.—

(1)(a) It is the intent of the Legislature to create part IV of this chapter, consisting of ss. 27.7001-27.711, inclusive, to provide for the collateral representation of any person convicted and sentenced to death in this state, so that collateral legal proceedings to challenge any Florida capital conviction and sentence may be commenced in a timely manner and so as to assure the people of this state that the judgments of its courts may be regarded with the finality to which they are entitled in the interests of justice.

(b) It is the further intent of the Legislature that collateral representation shall not include representation during retrials, resentencings, proceedings commenced under chapter 940, or civil litigation.

(2) *The Legislature finds that:*

(a) Under Florida and federal law, a defendant has no constitutional right to counsel in postconviction proceedings. Notwithstanding this lack of a constitutional right, the Legislature has created by statute a qualified right for capital defendants to postconviction counsel at specified rates for certain services.

(b) Attorneys who participate in the attorney registry to offer their services are not required to accept an appointment and are free to decline an appointment if they find the statutory fee schedule insufficient.

(c) The Florida Supreme Court in *Olive v. Maas*, 811 So.2d 644 (Fla. 2002) has allowed registry attorneys to seek, and authorized trial courts to grant, compensation in excess of the statutory fee schedule notwithstanding the terms of each attorney's contract, notwithstanding statutory requirements, and notwithstanding that the Legislature contemplated the nature of postconviction representation in all capital cases in the development of the statutory fee schedule.

Section 15. Subsections (5), (6), and (7) of section 27.7002, Florida Statutes, are amended to read:

27.7002 Limitation on collateral representation; lawyer disqualification; use of state funds for excess fees not authorized.—

(5) The use of state funds for compensation of counsel appointed pursuant to s. 27.710 above the amounts set forth in s. 27.711 is not authorized unless ordered by the court pursuant to s. 27.7003.

~~(6) The executive director of the Commission on Capital Cases is authorized to permanently remove from the registry of attorneys provided in ss. 27.710 and 27.711 any attorney who seeks compensation for services above the amounts provided in s. 27.711.~~

~~(6)(7) Any attorney who notifies any court, judge, state attorney, the Attorney General, or the executive director of the Commission on Capital Cases, prior to signing the contract required under s. 27.710, determines that he or she cannot provide adequate or proper representation under the terms and conditions set forth in s. 27.711 must immediately notify the appropriate trial court and decline the appointment for which the contract was offered shall be permanently disqualified from any attorney registry created under this chapter unless good cause arises after a change in circumstances.~~

Section 16. Section 27.7003, Florida Statutes, is created to read:

27.7003 Authorization for fees and costs for attorneys exceeding those provided in s. 27.711.—

(1) This section governs the determination of whether the use of state funds for compensation of counsel requesting fees or reimbursement of expenses in excess of the amounts set forth in s. 27.711 is authorized.

(2) The use of state funds for compensation of counsel in amounts greater than the amounts provided in s. 27.711(4)(b)-(h), (5), and (6) is authorized as provided in subsection (4) only when the attorney requesting additional compensation proves in an evidentiary hearing by clear and convincing evidence that the services for which additional compensation is sought were due to additional work that was unforeseeable by a reasonable attorney exercising due diligence at the time the contract was signed. Additional work is unforeseeable only when all of the following conditions are met:

(a) The additional work was necessary due to an unanticipated change in circumstances that occurred after the signing of the contract.

(b) The change in circumstances was extraordinary and unusual when compared to other capital cases in the postconviction stage of proceedings.

(c) The additional work was for the purpose of raising a meritorious claim in a timely manner that could not have been raised but for the unanticipated change in circumstances described in paragraph (a) and not for the purpose of raising any claim that was procedurally barred, that was not supported by the law or facts of the case, or that was otherwise frivolous or successive.

(d) The additional work claimed is not due to counsel's failure to adequately review the case record in advance of signing the contract or due to counsel's failure to remain apprised of current developments in the law.

(3)(a) Any motion for additional compensation that fails to state specific facts describing how the additional work was necessary due to an unanticipated change in circumstances occurring after the signing of the contract shall be summarily dismissed without prejudice.

(b) In determining whether the required showing in subsection (2) has been made, the court may, to the extent possible, compare the case in which the registry counsel seeks additional compensation to other similar capital cases in the postconviction stage of proceedings. If the court grants the motion for additional compensation, it shall issue a written order setting forth its findings and reasons along with an explanation of how the amount of additional compensation was calculated. An order granting additional compensation may be appealed by the state.

(4) The use of state funds for compensation above the amounts provided in s. 27.711(4)(b)-(h), (5), and (6) is authorized upon the filing of the court order granting additional compensation with the clerk of the court. The amount of additional compensation authorized in this section shall be calculated using the statutory maximum amounts as the starting point with additional compensation determined using the rate per hour provided in s. 27.711 for the applicable service. The amount of additional compensation ordered shall be no more than the court determines is

necessary to avoid confiscation of the registry counsel's time, energy and talent for his or her unforeseeable additional work but in no event shall the amount of additional compensation exceed 30 percent of the statutory maximum amount authorized under s. 27.711 for the specific service for which additional compensation was granted. In the same way as the statutory maximum amounts provided in s. 27.711 restrict the number of hours for which compensation is authorized for each service at the specified rate, it is not necessary that additional compensation be ordered for every hour of unforeseeable additional work claimed. In determining an amount of additional compensation needed to avoid confiscation of a registry counsel's time, energy, and talent, the court may consider whether the additional work resulted in registry counsel pursuing a meritorious claim that could not have otherwise been raised and how the quantity and quality of the additional work proportionally compares with the quantity and quality of work that is within the scope of expected performance under the registry contract and the terms of s. 27.711.

(5) The Chief Financial Officer shall represent the state in proceedings for additional compensation provided in this section.

(6) This section shall not be construed to authorize compensation for services or expenses not specified in s. 27.711(4), (5), or (6).

Section 17. Subsections (2), (3), (4), and (12) of section 27.711, Florida Statutes, are amended to read:

27.711 Terms and conditions of appointment of attorneys as counsel in postconviction capital collateral proceedings.—

(2) After appointment by the trial court under s. 27.710, the attorney must, within 30 days, sign the contract required under s. 27.710 and immediately file a notice of appearance with the trial court indicating acceptance of the appointment to represent the capital defendant throughout all postconviction capital collateral proceedings, including federal habeas corpus proceedings, in accordance with this section or until released by order of the trial court.

(3) An attorney appointed to represent a capital defendant is entitled to payment of the fees set forth in this section or s. 27.7003 only upon full performance by the attorney of the duties specified in this section and approval of payment by the trial court, and the submission of a payment request by the attorney, subject to the availability of sufficient funding specifically appropriated for this purpose. An attorney may not be compensated under this section for work performed by the attorney before July 1, 2003, while employed by the northern regional office of the capital collateral counsel. The Chief Financial Officer shall notify the executive director and the court if it appears that sufficient funding has not been specifically appropriated for this purpose to pay any fees which may be incurred. The attorney shall maintain appropriate documentation, including a current and detailed hourly accounting of time spent representing the capital defendant. The fee and payment schedule in this section is the exclusive means of compensating a court-appointed attorney who represents a capital defendant. An attorney seeking additional compensation for fees or reimbursement for expenses in excess of the amounts provided in paragraphs (4)(b)-(h), subsection (5), or subsection (6) must satisfy the requirements of s. 27.7003. When appropriate, a court-appointed attorney must seek further compensation from the Federal Government, as provided in 18 U.S.C. s. 3006A or other federal law, in habeas corpus litigation in the federal courts.

(4) Upon approval by the trial court, an attorney appointed to represent a capital defendant under s. 27.710 is entitled to payment of the following fees by the Chief Financial Officer:

(a) Regardless of the stage of postconviction capital collateral proceedings, the attorney is entitled to \$100 per hour, up to a maximum of \$2,500, after signing the contract required under s. 27.710, accepting the appointment, and filing a notice of appearance.

(b) The attorney is entitled to \$100 per hour, up to a maximum of \$20,000, after timely filing in the trial court the capital defendant's complete original motion for postconviction relief under the Florida Rules of Criminal Procedure. The motion must raise all issues to be addressed by the trial court. However, an attorney is entitled to fees under this paragraph if the court schedules a hearing on a matter that makes the filing of the original motion for postconviction relief unnecessary or if the court otherwise disposes of the case.

(c) The attorney is entitled to \$100 per hour, up to a maximum of \$20,000, after the trial court issues a final order granting or denying the capital defendant's motion for postconviction relief.

(d) The attorney is entitled to \$100 per hour, up to a maximum of \$20,000, after timely filing in the Supreme Court the capital defendant's brief or briefs that address the trial court's final order granting or denying the capital defendant's motion for postconviction relief and the state petition for writ of habeas corpus.

(e) The attorney is entitled to \$100 per hour, up to a maximum of \$10,000, after the trial court issues an order, pursuant to a remand from the Supreme Court, which directs the trial court to hold further proceedings on the capital defendant's motion for postconviction relief.

(f) The attorney is entitled to \$100 per hour, up to a maximum of \$4,000, after the appeal of the trial court's denial of the capital defendant's motion for postconviction relief and the capital defendant's state petition for writ of habeas corpus become final in the Supreme Court.

(g) At the conclusion of the capital defendant's postconviction capital collateral proceedings in state court, the attorney is entitled to \$100 per hour, up to a maximum of \$2,500, after filing a petition for writ of certiorari in the Supreme Court of the United States.

(h) If, at any time, a death warrant is issued, the attorney is entitled to \$100 per hour, up to a maximum of \$5,000. This payment shall be full compensation for attorney's fees and costs for representing the capital defendant throughout the proceedings before the state courts of Florida.

The hours billed by a contracting attorney under this subsection may include time devoted to representation of the defendant by another attorney who is qualified under s. 27.710 and who has been designated by the contracting attorney to assist him or her.

(12) The court shall monitor the performance of assigned counsel to ensure that the capital defendant is receiving quality representation. The court shall also receive and evaluate allegations that are made regarding the performance of assigned counsel. The Chief Financial Officer, the Department of Legal Affairs, the executive director, or any interested person may advise the court of any circumstance that could affect the quality of representation, including, but not limited to, false or fraudulent billing, misconduct, failure to meet continuing legal education requirements, solicitation to receive compensation from the capital defendant, or failure to file appropriate motions in a timely manner, or assertion of claims that are not supported by the law or the facts of the case.

Section 18. Section 29.007, Florida Statutes, is amended to read:

29.007 Court-appointed counsel.—For purposes of implementing s. 14, Art. V of the State Constitution, the elements of court-appointed counsel to be provided from state revenues appropriated by general law are as follows:

(1) Private attorneys appointed by the *public defender court* to handle cases where the defendant is indigent and cannot be represented by the public defender under s. ~~ss. 27.42 and~~ 27.53.

(2) Private attorneys appointed by the *public defender court* to represent indigents or other classes of litigants in civil proceedings requiring *appointed court-appointed* counsel in accordance with state and federal constitutional guarantees and federal and state statutes.

(3) Reasonable court reporting and transcription services necessary to meet constitutional or statutory requirements, including the cost of transcribing and copying depositions of witnesses and the cost of foreign language and sign-language interpreters and translators.

(4) Witnesses, including expert witnesses, summoned to appear for an investigation, preliminary hearing, or trial in a case when the witnesses are summoned on behalf of an indigent, and any other expert witnesses approved by the court.

(5) Mental health professionals appointed pursuant to s. 394.473 and required in a court hearing involving an indigent, mental health professionals appointed pursuant to s. 916.115(2) and required in a court hearing involving an indigent, and any other mental health professionals required by law for the full adjudication of any civil case involving an indigent person.

(6) Reasonable pretrial consultation fees and costs.

(7) Travel expenses reimbursable under s. 112.061 reasonably necessary in the performance of constitutional and statutory responsibilities.

Subsections (3), (4), (5), (6), and (7) apply when ~~court-appointed~~ counsel is appointed; ~~when the court determines that the litigant is indigent for costs; or when the litigant is acting pro se and the court determines that the litigant is indigent for costs at the trial or appellate level.~~ This section applies in any situation in which the court appoints counsel to protect a litigant's due process rights. ~~The Justice Administrative Commission shall approve uniform contract forms for use in processing payments for due process services under this section. In each case in which a private attorney represents a person determined by the court to be indigent for costs, the attorney shall execute the commission's contract for private attorneys representing persons determined to be indigent for costs.~~

Section 19. Section 29.015, Florida Statutes, is amended to read:

29.015 Contingency fund; limitation of authority to transfer funds in contracted due process services appropriation categories.—

(1)(a) An appropriation may be provided in the General Appropriations Act in the *state courts system* ~~Justice Administrative Commission~~ to be used solely ~~serve~~ as a contingency fund for the purpose of alleviating deficits in contracted due process services appropriation categories, including private *appointed court-appointed* counsel appropriation categories, ~~when the trial court determines; that may occur from time to time due to extraordinary events or circumstances of a case have led that lead~~ to unexpected expenditures and that the public defender does not have the ability to accommodate the unexpected expenditure from within his or her operating budget.

(b) A peer review committee of at least three judges or their designees, each from a different circuit, appointed by the chief judge of the circuit in which the case was tried, must review and approve each expenditure from the contingency fund established under paragraph (a). The judge who presided over the trial and the chief judge of the affected circuit may not be on the peer review committee. The public defender of the circuit in which the case was tried must provide to the peer review committee all documentation provided to the trial court that made the determination pursuant to paragraph (a) and any other information requested by the peer review committee.

(2) In the event that a state attorney or public defender incurs a deficit in a contracted due process services appropriation category, the following steps shall be taken in order:

(a) The state attorney or public defender shall first attempt to identify surplus funds from other appropriation categories within his or her office and submit a budget amendment pursuant to chapter 216 to transfer funds from within the office.

(b) In the event that the state attorney or public defender is unable to identify surplus funds from within his or her office, he or she shall certify this to the Justice Administrative Commission along with a complete explanation of the circumstances which led to the deficit and steps the office has taken to reduce or alleviate the deficit. The Justice Administrative Commission shall inquire as to whether any other office has surplus funds in its contracted due process services appropriation categories which can be transferred to the office that is experiencing the deficit. If other offices indicate that surplus funds are available within the same appropriation category, the Justice Administrative Commission shall transfer the amount needed to fund the deficit and notify the Governor and the chair and vice chair of the Legislative Budget Commission 14 days prior to a transfer pursuant to the notice, review, and objection provisions of s. 216.177. If funds appropriated for this purpose are available in a different budget entity, the Justice Administrative Commission shall request a budget amendment pursuant to chapter 216.

(c) If no office indicates that surplus funds are available to alleviate the deficit, the Justice Administrative Commission may request a budget amendment to transfer funds from the contingency fund. Such transfers shall be in accordance with all applicable provisions of chapter 216 and shall be subject to review and approval by the Legislative Budget Commission. The Justice Administrative Commission shall submit the documentation provided by the office explaining the circumstances that led to the deficit and the steps taken by the office and the

Justice Administrative Commission to identify surplus funds to the Legislative Budget Commission.

(3) ~~In the event that there is a deficit in a statewide contracted due process services appropriation category provided for private court-appointed counsel necessary due to withdrawal of the public defender due to an ethical conflict, the following steps shall be taken in order:~~

(a) ~~The Justice Administrative Commission shall first attempt to identify surplus funds from other contracted due process services appropriation categories within the Justice Administrative Commission and submit a budget amendment pursuant to chapter 216 to transfer funds from within the commission.~~

(b) ~~In the event that the Justice Administrative Commission is unable to identify surplus funds from within the commission, the commission shall inquire of each of the public defenders as to whether any office has surplus funds in its contracted due process services appropriations categories which can be transferred. If any public defender office or offices indicate that surplus funds are available, the Justice Administrative Commission shall request a budget amendment to transfer funds from the office or offices to alleviate the deficit upon agreement of the contributing office or offices.~~

(c) ~~If no public defender office has surplus funds available to alleviate the deficit, the Justice Administrative Commission may request a budget amendment to transfer funds from the contingency fund. Such transfers shall be in accordance with all applicable provisions of chapter 216 and shall be subject to review and approval by the Legislative Budget Commission. The Justice Administrative Commission shall submit the documentation provided by the office explaining the circumstances that led to the deficit and the steps taken by the Justice Administrative Commission to identify surplus funds to the Legislative Budget Commission.~~

(4) ~~In the event that there is a deficit in a statewide appropriation category provided for private court-appointed counsel other than for conflict counsel as described in subsection (3), the following steps shall be taken in order:~~

(a) ~~The Justice Administrative Commission shall first attempt to identify surplus funds from other contracted due process services appropriation categories within the Justice Administrative Commission and submit a budget amendment pursuant to chapter 216 to transfer funds from within the commission.~~

(b) ~~In the event that the Justice Administrative Commission is unable to identify surplus funds from within the commission, the commission may submit a budget amendment to transfer funds from the contingency fund. Such transfers shall be in accordance with all applicable provisions of chapter 216 and shall be subject to review and approval by the Legislative Budget Commission. The Justice Administrative Commission shall submit documentation explaining the circumstances that led to the deficit and the steps taken to identify surplus funds to the Legislative Budget Commission.~~

(3)(5) Notwithstanding any provisions in chapter 216 to the contrary, no office shall transfer funds from a contracted due process services appropriation category or from a contingency fund category authorized in this section except as specifically authorized in this section. In addition, funds shall not be transferred from a state attorney office to alleviate a deficit in a public defender office and funds shall not be transferred from a public defender office to alleviate a deficit in a state attorney office.

Section 20. Section 29.018, Florida Statutes, is amended to read:

29.018 Cost sharing of due-process services; legislative intent.—It is the intent of the Legislature to provide state-funded due-process services to the state courts system, state attorneys, public defenders, and ~~appointed court-appointed~~ counsel in the most cost-effective and efficient manner. The state courts system, state attorneys, ~~and public defenders, and the Justice Administrative Commission on behalf of court-appointed counsel~~ may enter into contractual agreements to share, on a pro rata basis, the costs associated with court reporting services, court interpreter and translation services, court experts, and all other due-process services funded by the state pursuant to this chapter. These costs shall be budgeted within the funds appropriated to each of the affected users of services.

Section 21. Section 29.0185, Florida Statutes, is amended to read:

29.0185 Provision of state-funded due process services to individuals; limitations on certain payments.—Due process services may not be provided with state revenues to an individual unless the individual on whose behalf the due process services are being provided is eligible for ~~appointed court-appointed~~ counsel under s. 27.40, based upon a determination of indigency under s. 27.52. *The Justice Administrative Commission shall only make payment for appointed counsel and other due process services authorized by a state attorney or public defender. The state courts system shall be responsible for the portion of any payment ordered that is not authorized by a public defender or state attorney, is in excess of payment rates established by the contract, is in excess of limits provided for by law, or is not specifically authorized by law, regardless of whether such counsel is appointed or the individual on whose behalf the due process services are being provided is eligible for court-appointed counsel under s. 27.40 and has been determined indigent for costs pursuant to s. 27.52.*

Section 22. Subsection (1) of section 39.815, Florida Statutes, is amended to read:

39.815 Appeal.—

(1) Any child, any parent or guardian ad litem of any child, any other party to the proceeding who is affected by an order of the court, or the department may appeal to the appropriate district court of appeal within the time and in the manner prescribed by the Florida Rules of Appellate Procedure. The district court of appeal shall give an appeal from an order terminating parental rights priority in docketing and shall render a decision on the appeal as expeditiously as possible. Appointed counsel shall be compensated as provided in s. 27.5304(4)(5).

Section 23. Subsection (2) of section 125.69, Florida Statutes, is amended to read:

125.69 Penalties; enforcement by code inspectors.—

(2) Each county is authorized and required to pay any attorney appointed by the court to represent a defendant charged with a criminal violation of a special law or county ordinance not ancillary to a state charge if the defendant is indigent and otherwise entitled to court-appointed counsel under the Constitution of the United States or the Constitution of the State of Florida. In these cases, the *public defender court* shall appoint counsel to represent the defendant in accordance with s. 27.40; and ~~shall order the county~~ *shall* to pay the reasonable attorney's fees, costs, and related expenses of the defense. The county may contract with the public defender of the judicial circuit in which the county is located to serve as ~~appointed court-appointed~~ counsel pursuant to s. 27.54.

Section 24. Paragraph (w) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:

(w) Within the Justice Administrative Commission, the Indigent ~~Services Criminal Defense~~ Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 25. Subsection (2) of section 744.331, Florida Statutes, is amended to read:

744.331 Procedures to determine incapacity.—

(2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.—

~~(a) When a court appoints an attorney for an alleged incapacitated person, the court must appoint an attorney who is included in the attorney registry compiled pursuant to ss. 27.40 and 27.42 by the circuit's Article V indigent services committee. Appointments must be made on a rotating basis, taking into consideration conflicts arising under this chapter.~~

(a)(b) The court shall appoint an attorney for each person alleged to be incapacitated in all cases involving a petition for adjudication of incapacity. The alleged incapacitated person may substitute her or his own attorney for the attorney appointed by the court. *Only if the alleged incapacitated person is found to be indigent pursuant to s. 27.52 may the public defender be appointed to represent the person or arrange for representation of the person; otherwise, any attorney appointed on behalf of the person must be paid from the assets of the alleged incapacitated person.*

(b)(e) Any attorney representing an alleged incapacitated person may not serve as guardian of the alleged incapacitated person or as counsel for the guardian of the alleged incapacitated person or the petitioner.

(c)(d) ~~Effective January 1, 2007,~~ An attorney seeking to be appointed by a court for incapacity and guardianship proceedings must have completed a minimum of 8 hours of education in guardianship. A court may waive the initial training requirement for an attorney who has served as a court-appointed attorney in incapacity proceedings or as an attorney of record for guardians for not less than 3 years.

Section 26. *Section 914.11, Florida Statutes, is repealed.*

Section 27. Subsections (1) and (2) of section 938.29, Florida Statutes, are amended to read:

938.29 Legal assistance; lien for payment of attorney's fees or costs.—

(1)(a) A defendant determined to be guilty of a criminal act by a court or jury or through a plea of guilty or nolo contendere and who has received the assistance of the public defender's office, *whether such assistance was provided by an attorney of the public defender or through a private attorney appointed by the public defender*, a special assistant public defender, or a conflict attorney shall be liable for payment of attorney's fees and costs. The court shall determine the amount of the obligation. Such costs shall include, but not be limited to, the cost of depositions; cost of transcripts of depositions, including the cost of defendant's copy, which transcripts are certified by the defendant's attorney as having served a useful purpose in the disposition of the case; investigative costs; witness fees; the cost of psychiatric examinations; or other reasonable costs specially incurred by the state and the clerk of court for the defense of the defendant in criminal prosecutions. Costs shall not include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Any costs assessed pursuant to this paragraph shall be reduced by any amount assessed against a defendant pursuant to s. 938.05.

(b) Upon entering a judgment of conviction, the defendant shall be liable to pay the costs in full after the judgment of conviction becomes final.

(c) The defendant shall pay the application fee under s. 27.52(1)(b) and attorney's fees and costs in full or in installments, at the time or times specified. The court may order payment of the assessed application fee and attorney's fees and costs as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence. *The first \$40 from attorney's fees and costs collected under this section shall be transferred monthly by the clerk to the Department of Revenue for deposit into the Indigent Services Trust Fund. All remaining attorney's fees and costs collected under this section shall be deposited into the General Revenue Fund.*

(2)(a) There is created in the name of the state a lien, enforceable as hereinafter provided, upon all the property, both real and personal, of any person who:

1. Has received any assistance from any public defender of the state, from any special assistant public defender, or from any ~~appointed conflict~~ attorney; or

2. Is a parent of an accused minor or an accused adult tax-dependent person who is being, or has been, represented by any public defender of the state, by any special assistant public defender, or by an *appointed a conflict* attorney.

Such lien constitutes a claim against the defendant-recipient or parent and his or her estate, enforceable according to law.

(b) A judgment showing the name and residence of the defendant-recipient or parent shall be recorded in the public record, without cost, by the clerk of the circuit court in the county where the defendant-recipient or parent resides and in each county in which such defendant-recipient or parent then owns or later acquires any property. Such judgments shall be enforced on behalf of the state by the clerk of the circuit court of the county in which assistance was rendered.

Section 28. (1) *As to any contract for legal services pursuant to the provisions of part III of chapter 27, Florida Statutes, which contract was in existence on or before August 1, 2007, the following shall apply:*

(a) *Attorneys appointed under such contracts shall complete the representation of clients assigned to them as of August 1, 2007, through completion of the case; however, no such appointment shall extend beyond June 30, 2008. As of July 1, 2008, representation of any person pursuant to part III of chapter 27, Florida Statutes, shall only be through a contract with the appropriate public defender.*

(b) *The Justice Administrative Commission shall pay fees earned by attorneys under contracts for appointments that commenced prior to August 1, 2007, subject to a specific appropriation in the fiscal year 2007-2008 General Appropriations Act for payment of such representation.*

(c) *All provisions of part III of chapter 27, Florida Statutes, as they exist prior to August 1, 2007, shall control such contracts, notwithstanding the amendment or repeal of any applicable provision by this act.*

(d) *The public defender shall not be liable for fees and costs for any attorney appointed prior to August 1, 2007, except as provided in subsection (2).*

(2) *If funds appropriated to the Justice Administrative Commission for payment of cases pursuant to subsection (1) are exhausted, any remaining required payments shall be made from funds appropriated to the public defender of the circuit in which the case was appointed, except that the portion of any payment in excess of payment rates established by the contract or in excess of limits provided for by law or for goods or services not specifically authorized by law shall be paid from funds appropriated to the state courts system. The state courts system and the public defender may reduce nonessential travel, other nonessential expenses, and nonessential personnel costs in order to eliminate a deficit that would otherwise result from payments required by this subsection.*

(3) *This section shall take effect upon this act becoming a law.*

Section 29. *On or before June 1, 2007, each public defender shall prepare a plan for his or her circuit for delivering the expanded indigent legal representation services required by this act for review and approval by the Legislative Budget Commission. The plan shall describe how services will be delivered; proposed contract terms and rates; the number of proposed state full-time equivalent positions by class, including the proposed salary for each position; and the proposed phase-in schedule. The plan shall also include a request to establish any proposed state full-time equivalent positions that may be established upon approval of the Legislative Budget Commission pursuant to the provisions of s. 216.262(1)(a), Florida Statutes. This section shall take effect upon this act becoming a law.*

Section 30. Except as otherwise expressly provided in this act, this act shall take effect August 1, 2007.

And the title is amended as follows:

Remove the entire title and insert:

A bill to be entitled An act relating to legal representation for indigent persons; amending s. 27.40, F.S.; removing responsibility for appointment of attorneys for indigent persons from courts; providing for appointment of attorneys for indigent persons by public defenders; limiting expenditures; providing contract requirements; repealing s. 27.42, F.S., relating to circuit Article V indigent services committees; amending s.

27.51, F.S.; providing additional duties for public defenders related to proving attorney services in certain cases; amending s. 27.512, F.S.; specifying cases subject to orders of no imprisonment for which the public defender may not represent the defendant; amending s. 27.52, F.S.; conforming references; limiting expenditures; revising provisions relating to payment for costs of representation; amending s. 27.525, F.S.; changing the name of a trust fund; limiting uses of funds credited to the trust fund; amending s. 27.53, F.S.; providing that public defender investigators are authorized to act in any judicial circuit; amending s. 27.5303, F.S.; revising provisions relating to appointment of counsel by a public defender in conflict cases; deleting a requirement to file a specified report; amending s. 27.5304, F.S.; limiting expenditures on appointed counsel; creating financial penalties chargeable against an appointed attorney found to have provided ineffective assistance of counsel; deleting forms of billing and payment by private attorneys representing indigent persons; deleting report of the Article V Indigent Services Advisory Board; providing for amendment of the general limits per case in the General Appropriations Act; allowing for extraordinary payment; providing that a public defender achieving cost savings may be entitled to propose alternative use for such savings up to a specified amount; providing limits on the ability of an indigent services committee to authorize compensation in excess of specified fee schedules; requiring payment of excess compensation to be paid from the state courts system; amending ss. 27.561 and 27.562, F.S.; making conforming changes; amending s. 27.58, F.S.; providing that the public defender is the chief administrator of all indigent representation services in the public defender's circuit; amending s. 27.59, F.S.; providing that attorneys appointed by a public defender have the same access to prisoners as the public defender; amending s. 27.7001, F.S.; providing legislative findings relating to postconviction counsel for capital defendants; amending s. 27.7002, F.S.; deleting authority for the executive director of the Commission on Capital Cases to remove attorneys from the registry of attorneys under chapter 27, F.S.; requiring registry attorneys to decline acceptance of an appointment in certain circumstances and to notify the trial court; creating s. 27.7003, F.S.; providing for authorization to use state funds for additional compensation to registry counsel for additional work that was unforeseeable at the time the contract was signed under certain circumstances; providing requirements and conditions with respect to such authorization; providing a right for the state to appeal an order granting additional compensation; providing the method of calculating the amount of additional compensation and specifying the maximum amount of additional compensation authorized; providing that the Chief Financial Officer shall represent the state in proceedings in which additional compensation is sought; providing that no compensation is authorized for services not specified in s. 27.711, F.S.; amending s. 27.711, F.S.; revising provisions relating to terms and conditions of the appointment of registry counsel; requiring signature of contract and notice of appearance to be filed within a specified time period; requiring compliance with specified provisions when registry counsel seeks additional compensation; specifying the assertion of claims not supported by the law or facts of the case among the list of example circumstances that may affect the quality of representation that may be reported to the court; amending s. 29.007, F.S.; providing for private attorneys appointed by the public defender; deleting references to the Justice Administrative Commission; amending s. 29.015, F.S.; moving responsibility for a deficit in the contingency fund for alleviating certain deficits from the Justice Administrative Commission to the state courts system; requiring establishment of a peer review committee for review and approval of expenditures from such fund; amending s. 29.018, F.S.; making conforming changes; amending s. 29.0185, F.S.; limiting expenditures for due process costs; amending ss. 39.815, 125.69, and 215.20, F.S.; conforming provisions; amending s. 744.331, F.S.; providing for appointment by the public defender of an attorney for an alleged incapacitated person; repealing s. 914.11, F.S., to repeal a requirement for payment of costs for an indigent criminal defendant; amending s. 938.29, F.S.; providing for a lien against an individual who has been provided attorney services as an indigent; directing payment of moneys collected from the lien; creating a transitional plan for payment of expenses accruing before the effective date of this act; requiring each public defender to present a transition plan to the Legislative Budget Commission for approval; providing effective dates.

On motion by Senator Crist, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1100, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1100—A bill to be entitled An act relating to the regulation of securities transactions; amending s. 517.12, F.S.; increasing the registration and filing fees for associated persons; deleting provisions providing for an assessment fee to be allocated to the Securities Guaranty Fund; repealing ss. 517.1203 and 517.1204, F.S., relating to the allocation and disbursement of assessment fees and the Investment Fraud Restoration Financing Corporation; amending s. 517.131, F.S.; revising the formula for transferring revenues received as assessment fees into the Securities Guaranty Fund; amending s. 517.315, F.S.; revising requirements for the Office of Financial Regulation with respect to the deposit of fees collected under ch. 517, F.S.; providing an effective date.

House Amendment 1 (047725)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Alexander, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1104, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1104—A bill to be entitled An act relating to vessels; amending s. 328.72, F.S.; imposing an additional surcharge on the vessel registration fee to be deposited into the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission; authorizing the commission to retain a percentage of the funds to cover certain costs of the grant program; amending s. 376.15, F.S.; requiring that a program for the removal of derelict vessels established by the commission be funded in part from the Marine Resources Conservation Trust Fund; providing an effective date.

House Amendment 1 (537001)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Alexander, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 1420, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

SB 1420—A bill to be entitled An act relating to employee benefits; providing for the resolution of certain collective bargaining issues at impasse between the State of Florida and certified bargaining units of state employees; providing an effective date.

House Amendment 1 (203477)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SB 1422, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

SB 1422—A bill to be entitled An act relating to state employees; amending s. 110.123, F.S.; specifying the amount of the employer contribution to employee health savings accounts for the 2007-2008 fiscal year; providing an effective date.

House Amendment 1 (772625)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Carlton, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1134, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 1134—A bill to be entitled An act relating to youth work experience programs; amending s. 334.351, F.S.; requiring nonprofit youth organizations that contract with the Department of Transportation for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifying criteria for the department to consider in awarding contracts to such organizations; requiring that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; providing an effective date.

House Amendment 1 (652385)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Fasano, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 450, with 1 amendment, and requests the concurrence of the Senate or, failing to concur, accedes to the request of the Senate for the appointment of a committee of conference to resolve differences between the houses.

William S. Pittman III, Chief Clerk

CS for SB 450—A bill to be entitled An act relating to the Florida Teachers Lead Program Stipend; amending s. 1012.71, F.S.; extending the stipend to teachers of prekindergarten students in public schools and public charter schools who are funded through the Florida Education Finance Program; providing an effective date.

House Amendment 1 (365809)(with title amendment)—

Remove everything after the enacting clause and insert:

And the title is amended as follows:

Remove the entire title and insert:

On motion by Senator Rich, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The action of the Senate was certified to the House.

On motion by Senator Alexander, by two-thirds vote **HB 7059** was withdrawn from the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

On motions by Senator Alexander, by unanimous consent—

HB 7059—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents credited to the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection; amending s. 403.890, F.S.; revising the distribution of funds within the Water Protection and Sustainability Program Trust Fund by the department; reenacting ss. 403.891(1) and 403.8911(1) F.S., relating to the creation and purpose of the Water Protection and Sustainability Program Trust Fund and annual appropriations therefrom, to incorporate the amendments made to s. 201.15, F.S., in references thereto; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (265798)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Alexander, by two-thirds vote **HB 7059** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Jones
Alexander	Deutch	Joyner
Aronberg	Diaz de la Portilla	Justice
Atwater	Dockery	King
Baker	Fasano	Lawson
Bennett	Gaetz	Lynn
Bullard	Geller	Margolis
Carlton	Haridopolos	Oelrich
Constantine	Hill	Peadar

Posey	Saunders	Webster
Rich	Siplin	Wilson
Ring	Storms	Wise

Nays—None

On motion by Senator Alexander, by two-thirds vote **CS for HB 7061** was withdrawn from the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

On motions by Senator Alexander, by unanimous consent—

CS for HB 7061—A bill to be entitled An act relating to the distribution of sales and use tax revenues; amending s. 212.20, F.S.; revising the distribution of the proceeds from the tax on sales, use, and other transactions; amending ss. 11.45, 202.18, 218.245, 218.65, and 288.1169, F.S.; conforming cross-references; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (904262)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Alexander, by two-thirds vote **CS for HB 7061** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Alexander, by two-thirds vote **HB 7063** was withdrawn from the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

On motions by Senator Alexander, by unanimous consent—

HB 7063—A bill to be entitled An act relating to excise taxes on fuel and other pollutants; amending s. 206.9935, F.S.; providing for transferring certain amounts from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund for certain purposes; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (113722)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Alexander, by two-thirds vote **HB 7063** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Margolis
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Webster
Crist	King	Wilson
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	

Nays—None

On motion by Senator Peaden, by two-thirds vote **HB 7065** was withdrawn from the Committees on Health Policy; and Health and Human Services Appropriations.

On motions by Senator Peaden, by unanimous consent—

HB 7065—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to implement federal waivers to administer an integrated, fixed-payment delivery program for Medicaid recipients 60 years of age or older or dually eligible for Medicare and Medicaid; providing for voluntary enrollment in the program in specified locations, in accordance with certain requirements; requiring selection of managed care entities to operate the program; providing that such managed care entities shall be considered prepaid health plans; providing for entities to choose to serve certain enrollees; providing for the establishment of informal and formal provider grievance systems; requiring payment of certain nursing home claims within a time certain; providing a timeframe for evaluation of the program by the Office of Program Policy Analysis and Government Accountability; extending the deadline for submission of the evaluation report; authorizing the agency to seek Medicaid state plan amendments; requiring the agency to submit a report to the Legislature; amending s. 408.040, F.S.; conforming terminology to changes made by the act; amending s. 409.915, F.S.; requiring counties to participate in Medicaid payments for certain nursing home or intermediate facilities care for both health maintenance members and fee-for-service beneficiaries; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (062328)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Peaden, by two-thirds vote **HB 7065** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Aronberg	Dockery	Lawson
Atwater	Fasano	Lynn
Baker	Gaetz	Margolis
Bennett	Geller	Oelrich
Bullard	Haridopolos	Peaden
Carlton	Hill	Posey
Constantine	Jones	Rich
Crist	Joyner	Ring

Saunders
Siplin
Nays—None

Storms
Webster

Wilson
Wise

On motion by Senator Alexander, by two-thirds vote **HB 7069** was withdrawn from the Committee on General Government Appropriations.

On motions by Senator Alexander, by unanimous consent—

HB 7069—A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; amending s. 550.135, F.S.; providing for use of certain funds received from regulation of slot machine facilities; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Alexander moved the following amendment which was adopted:

Amendment 1 (445718)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 550.135, Florida Statutes, is amended to read:

550.135 Division of moneys derived under this law.—All moneys that are deposited with the Chief Financial Officer to the credit of the Pari-mutuel Wagering Trust Fund shall be distributed as follows:

(1)(a) The ~~daily license fee~~ revenues collected pursuant to *this chapter s. 550.0951(1)* shall be used to fund the operating cost of the division and to provide a proportionate share for of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; however, other collections in the Pari-mutuel Wagering Trust Fund may also be used to fund the operation of the division in accordance with authorized appropriations.

(b) *The revenues collected pursuant to chapter 551 shall be used to fund the operating costs of the division and the Department of Law Enforcement in carrying out regulation and enforcement activities with respect to slot machine gaming and to provide a proportionate share for the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation.*

(2)(a) *On June 30 of each year, all unappropriated funds collected pursuant to this chapter in excess of \$1.5 million in the Pari-mutuel Wagering Trust Fund shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.*

(b) *On June 30 of each year, all unappropriated funds collected pursuant to chapter 551 in excess of the sum of the amounts appropriated in the General Appropriations Act for the following fiscal year for the uses permitted in subsection (1) shall be deposited with the Chief Financial Officer to the credit of the General Revenue Fund.*

Section 2. *The amendments to s. 550.135, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on June 29, 2007, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.*

Section 3. Except as otherwise expressly provided in this act, this act shall take effect June 30, 2007; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to June 30, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing the 2007-2008 General Appropriations Act; amending s. 550.135, F.S.; revising the distribution of revenues deposited into the Pari-mutuel Wagering Trust Fund; providing for such funds to be used for additional purposes relating to the regulation of slot machine gaming; requiring that certain unappropriated funds be deposited into the General Revenue Fund; providing for future expiration of such provisions; providing effective dates.

On motions by Senator Alexander, by two-thirds vote **HB 7069** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Fasano, by two-thirds vote **HB 7071** was withdrawn from the Committee on Transportation and Economic Development Appropriations.

On motions by Senator Fasano, by unanimous consent—

HB 7071—A bill to be entitled An act relating to mobile homes; amending s. 320.822, F.S.; removing the definition of “seal” or “label”; repealing s. 320.824, F.S.; relating to the authority of the Department of Highway Safety and Motor Vehicles to adopt by rule changes in, or modifications to, mobile home standards and to enter any place where mobile homes are manufactured, sold, or offered for sale for certain purposes; amending s. 320.8245, F.S.; conforming a cross-reference; removing authority of the department to promulgate rules and regulations regarding alterations or modifications of mobile homes or recreational vehicles; revising qualifications for the designation of persons qualified to alter or modify a mobile home or recreational vehicle; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S.; relating to mobile home inspections by the department; amending s. 320.827, F.S.; removing a provision authorizing the department to issue labels; requiring mobile homes manufactured in this state to bear a label and certification that the mobile home meets or exceeds the code of the United States Department of Housing and Urban Development; amending s. 320.834, F.S.; revising legislative purpose and intent; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (423724)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Fasano, by two-thirds vote **HB 7071** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deutch	Justice
Alexander	Diaz de la Portilla	King
Aronberg	Dockery	Lawson
Atwater	Fasano	Lynn
Baker	Gaetz	Margolis
Bennett	Geller	Oelrich
Bullard	Haridopolos	Peaden
Carlton	Hill	Posey
Constantine	Jones	Rich
Crist	Joyner	Ring

Saunders	Storms	Wilson
Siplin	Webster	Wise
Nays—None		

On motion by Senator Fasano, by two-thirds vote **HB 7073** was withdrawn from the Committees on Community Affairs; Governmental Operations; and Transportation and Economic Development Appropriations.

On motions by Senator Fasano, by unanimous consent—

HB 7073—A bill to be entitled An act relating to distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; deleting a provision for distributing certain amounts to the Grants and Donations Trust Fund in the Department of Community Affairs for certain purposes; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (433248)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Fasano, by two-thirds vote **HB 7073** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Fasano, by two-thirds vote **HB 7075** was withdrawn from the Committees on Transportation; Community Affairs; Environmental Preservation and Conservation; Finance and Tax; and Transportation and Economic Development Appropriations.

On motions by Senator Fasano, by unanimous consent—

HB 7075—A bill to be entitled An act relating to transportation funding; amending s. 201.15, F.S.; revising amount of funds from certain taxes distributed to the State Transportation Trust Fund; directing the Department of Transportation to ensure that certain projects are not impacted; amending s. 215.615, F.S.; revising the Department of Transportation's requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond

coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.2275, F.S.; raising the limit on outstanding bonds to fund turnpike projects; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (672686)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Fasano, by two-thirds vote **HB 7075** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

On motion by Senator Peaden, by two-thirds vote **CS for HB 7079** was withdrawn from the Committee on Health and Human Services Appropriations.

On motions by Senator Peaden, by unanimous consent—

CS for HB 7079—A bill to be entitled An act relating to biomedical research; amending s. 20.435, F.S.; deleting a reference to conform to changes made by this act; revising the time by which certain balances of appropriations from the Biomedical Research Trust Fund may be carried forward; amending s. 215.5601, F.S.; revising a provision relating to the Lawton Chiles Endowment Fund to conform to changes made by this act; amending s. 215.5602, F.S.; providing legislative findings and intent; revising provisions relating to the James and Esther King Biomedical Research Program; revising provisions relating to program funds and funding; revising long-term goals of the program; revising membership provisions relating to the Biomedical Research Advisory Council; providing that the council serves as the exclusive source of certain biomedical research grant and fellowship awards; requiring the council to create committees; providing requirements for the committees; revising duties of the council; requiring the council to submit a list of priorities for funding to the Legislature; providing for criteria for ranking priorities; providing for the award of grants or fellowships by the council upon a specific appropriation; providing restrictions on the recommendation or award of grants or fellowships by other programs and entities; deleting references to conform to changes made by this act; reducing the limits on administrative expenses; revising requirements relating to the council's annual progress report; revising provisions relating to appropriations; amending s. 381.79, F.S.; providing for the expiration of a provision relating to the distribution of funds from the Brain and Spinal Cord Injury Program Trust Fund; amending s. 381.853, F.S.; providing a requirement for the Florida Center for Brain Tumor Research relating to the use of state funds for biomedical research; amending ss. 381.912 and 381.98, F.S.; revising and removing references to conform to changes made by this act; amending s. 381.922, F.S.; revising cross-references to conform to changes made by this act; revising the future repeal of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; creating s. 381.923, F.S.; creating the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Council within the Department of Health; providing for duties

and functions of the council; providing for membership; providing a requirement for the council to issue an annual report; providing the mission and duties of the Bankhead-Coley Cancer Council; amending s. 430.501, F.S.; providing a requirement for the Alzheimer's Disease Advisory Committee relating to the use of state funds for biomedical research grants or fellowships; amending s. 1004.445, F.S.; providing for the future repeal of provisions and the appropriation relating to certain grants awarded for Alzheimer's disease research; providing a requirement for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute relating to the use of state funds for biomedical research grants or fellowships; repealing s. 381.855, F.S., relating to the Florida Center for Universal Research to Eradicate Disease; repealing s. 381.92, F.S., relating to the Florida Cancer Council; repealing s. 381.921, F.S., relating to the Florida Cancer Council's mission and duties; providing for severability; providing an effective date.

—was taken up out of order and by two-thirds vote was read the second time by title.

Senator Peaden moved the following amendment which was adopted:

Amendment 1 (095930)(with title amendment)—Delete everything after the enacting clause

And the title is amended as follows:

Delete everything before the enacting clause

On motions by Senator Peaden, by two-thirds vote **CS for HB 7079** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz de la Portilla	Lawson
Alexander	Dockery	Lynn
Aronberg	Fasano	Oelrich
Atwater	Gaetz	Peaden
Baker	Geller	Posey
Bennett	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Webster
Deutch	King	Wise

Nays—1

Storms

CONFEREES APPOINTED

The President appointed the following conferees on **SB 2800, SB 2802, CS for SB 1046, CS for SB 1052, CS for SB 1060, CS for SB 1064, CS for SB 1116, CS for SB 1124, CS for SB 1126, CS for SB 1086, CS for SB 1088, CS for SB 1100, CS for SB 1104, SB 1420, SB 1422, CS for SB 1134, CS for CS for SB 450, HB 7059, CS for HB 7061, HB 7063, HB 7065, HB 7069, HB 7071, HB 7073, HB 7075** and **CS for HB 7079**: Senator Carlton, Chair; Senator King, Vice Chair and Member At Large; Senator Webster, Member At Large; Criminal and Civil Justice Appropriations: Senator Crist, Chair; Senators Argenziano, Dawson, Joyner and Villalobos; Education Pre-K - 12 Appropriations: Senator Wise, Chair; Senators Bullard, Constantine, Dockery, Garcia and Siplin; Higher Education Appropriations: Senator Lynn, Chair; Senators Justice, King, Oelrich and Ring; General Government Appropriations: Senator Alexander, Chair; Senators Aronberg, Baker, Bennett, Jones and Lawson; Health and Human Services Appropriations: Senator Peaden, Chair; Senators Gaetz, Rich, Saunders and Wilson; Transportation and Economic Development Appropriations: Senator Fasano, Chair; Senators Diaz de la Portilla, Hill, Margolis and Webster.

The action of the Senate was certified to the House.

SENATOR RICH PRESIDING

BILLS ON THIRD READING

Consideration of **SB 2** was deferred.

CS for CS for SJR 388—A joint resolution proposing amendments to Section 4 of Article IV and Section 2 of Article IX of the State Constitution to create the position of Commissioner of Education, who will be an elected member of the Cabinet.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Section 4 of Article IV and Section 2 of Article IX of the State Constitution are agreed to, shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose, and, if approved, shall take effect January 4, 2011, with the office of Commissioner of Education filled initially at the 2010 general election:

ARTICLE IV EXECUTIVE

SECTION 4. Cabinet.—

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, ~~and a commissioner of agriculture, and a commissioner of education.~~ In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not *fewer* less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) *The commissioner of education shall supervise the free public education system in the manner prescribed by law.*

(f)(e) The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(g)(f) The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(h)(g) The governor as chair, the chief financial officer, *the commissioner of education*, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

ARTICLE IX EDUCATION

SECTION 2. State board of education.—The state board of education shall be a body corporate and have such supervision of the system of free public education as is provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. ~~The state board of education shall appoint the commissioner of education.~~

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE IV, SECTION 4
ARTICLE IX, SECTION 2

COMPOSITION OF CABINET; OFFICE OF COMMISSIONER OF EDUCATION.—Proposing an amendment to the State Constitution to create the office of Commissioner of Education, who will be an elected member of the Cabinet and responsible for the supervision of the free public education system in the manner prescribed by law, and to delete the power of the state board of education to appoint the Commissioner of Education.

—was read the third time in full.

On motion by Senator Wilson, **CS for CS for SJR 388** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Diaz de la Portilla	Margolis
Aronberg	Dockery	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Siplin
Constantine	Joyner	Webster
Crist	Justice	Wilson
Deutch	King	Wise

Nays—8

Alexander	Gaetz	Saunders
Bennett	Lynn	Storms
Fasano	Oelrich	

Vote after roll call:

Yea—Lawson

CS for SB 1508—A bill to be entitled An act relating to informed consent; amending s. 401.445, F.S.; adding additional medical personnel to provisions allowing immunity for certain emergency examination and treatment of incapacitated persons done without consent if informed consent would have reasonably been given under the medical consent law; conforming provisions; amending s. 766.103, F.S.; adding additional medical personnel to the medical consent law; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1508** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CS for SB 1758—A bill to be entitled An act relating to hospitals; amending s. 395.003, F.S.; authorizing hospitals to operate an off-premises emergency department; requiring a license; providing criteria;

providing that all off-premises emergency departments operating as of a certain date may continue to operate in accordance with the criteria in effect at the time of approval and that an off-premises emergency department that has had architectural plans approved by a certain date is subject to the license criteria in effect at the time of submission; providing an effective date.

—was read the third time by title.

On motion by Senator Peaden, **CS for SB 1758** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dockery	Oelrich
Alexander	Fasano	Peaden
Aronberg	Gaetz	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Webster
Crist	King	Wilson
Deutch	Lynn	Wise
Diaz de la Portilla	Margolis	

Nays—None

SPECIAL ORDER CALENDAR

By Senator Baker—

CS for SB 412—A bill to be entitled An act relating to educational opportunities for dependent children of servicemembers or civilian personnel classified as prisoners of war or missing in action; amending s. 295.015, F.S.; expanding the provision of educational opportunity at state expense for children of servicemembers, or civilian personnel captured while serving with the consent or authorization of the United States Government, who are classified as prisoners of war or missing in action; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 412** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **HB 699** was withdrawn from the Committees on Military Affairs and Domestic Security; and Governmental Operations.

On motion by Senator Fasano—

HB 699—A bill to be entitled An act relating to preference in public employment for veterans; repealing s. 295.101, F.S., relating to the expiration of preference in public employment and retention in public employment given to specified veterans and spouses thereof after an application of such preference; amending s. 110.2135, F.S.; correcting a cross-reference, to conform; providing an effective date.

—a companion measure, was substituted for **CS for SB 728** and read the second time by title.

Pursuant to Rule 4.19, **HB 699** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for CS for SB 156—A bill to be entitled An act relating to periods of wartime service for veterans; amending s. 1.01, F.S.; redefining the term “veteran” for purposes of construing the Florida Statutes to include a person who served in the active military, naval, or air service in Operation Enduring Freedom or Operation Iraqi Freedom; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 156** was placed on the calendar of Bills on Third Reading.

By Senator Dockery—

CS for SB 184—A bill to be entitled An act relating to domestic battery by strangulation; amending s. 784.041, F.S.; providing that it is a third-degree felony to knowingly and intentionally impede the normal breathing or circulation of the blood of another person in specified ways; providing an exception; providing definitions; providing criminal penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming a reference to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 184** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for SB 154—A bill to be entitled An act relating to the parent-child privilege; creating s. 90.5045, F.S.; creating a parent-child privilege to prevent disclosure of communications that were intended to be made in confidence; defining the term “parent”; prescribing proceedings in which the privilege does not exist; providing for waiver of the privilege; requiring that a guardian ad litem be appointed to represent a minor child prior to the court’s approving the child’s waiver of the privilege; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 154** was placed on the calendar of Bills on Third Reading.

SB 472—A bill to be entitled An act relating to employment requirements for law enforcement personnel; amending s. 943.13, F.S.; revising the presumption of disability for certain law enforcement, correctional, and correctional probation officers; amending s. 943.137, F.S.; authorizing an agency that employs law enforcement personnel to establish tobacco-use standards; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 472** to **HB 547**.

Pending further consideration of **SB 472** as amended, on motion by Senator Baker, by two-thirds vote **HB 547** was withdrawn from the Committees on Criminal Justice; Governmental Operations; and Criminal and Civil Justice Appropriations.

On motion by Senator Baker—

HB 547—A bill to be entitled An act relating to employment requirements for law enforcement personnel; amending s. 943.13, F.S.; revising the presumption of disability for certain law enforcement, correctional, and correctional probation officers; amending s. 943.137, F.S.; authorizing an agency that employs law enforcement personnel to establish tobacco-use standards; providing an effective date.

—a companion measure, was substituted for **SB 472** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 547** was placed on the calendar of Bills on Third Reading.

By Senator Geller—

CS for SB 174—A bill to be entitled An act relating to the practice of law; amending s. 454.18, F.S.; deleting provisions prohibiting a sheriff, deputy sheriff, clerk, or deputy clerk from practicing law; deleting an

exception to the provision prohibiting a sheriff, deputy sheriff, clerk, or deputy clerk from practicing law; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which was adopted:

Amendment 1 (325888)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 454.18, Florida Statutes, is amended to read:

454.18 Officers not allowed to practice.—No sheriff or clerk of any court, or *full-time* deputy thereof, shall practice in this state, nor shall any person not of good moral character, or who has been convicted of an infamous crime be entitled to practice. ~~A~~ *But no* person *may not shall* be denied the right to practice on account of sex, race, or color. And any person, whether an attorney or not, or whether within the exceptions mentioned above or not, may conduct his or her own cause in any court of this state, or before any public board, committee, or officer, subject to the lawful rules and discipline of such court, board, committee, or officer. The provisions of this section restricting the practice of law by a sheriff or clerk, or *full-time* deputy thereof, *do shall* not apply in a case where such person is representing the office or agency in the course of *his or her* duties as an attorney.

Section 2. This act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the practice of law; amending s. 454.18, F.S.; prohibiting deputy clerks of the court or deputy sheriffs who are employed full time from practicing law; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 174** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Dockery—

SB 886—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to a public-records exemption for building plans and other drawings of a building owned or operated by an agency; making editorial changes; saving the exemption from repeal under the Open Government Review Act; deleting the provision that provides for the repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 886** was placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for SB 816—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to requests for public records by law enforcement agencies; clarifying that the exemption applies during the period that the information identifying a public-records request constitutes active criminal intelligence information; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 816** was placed on the calendar of Bills on Third Reading.

SM 1698—A memorial to the Congress of the United States, urging Congress, with the support of the President, to engage the international

community to take action in the effort to bring a just and lasting peace to the people of Darfur.

WHEREAS, United Nations officials have described the ongoing crisis in Darfur as “the world’s worst humanitarian crisis,” and

WHEREAS, hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003, and

WHEREAS, the Government of Sudan has failed in its responsibility to protect the many peoples of Darfur, and

WHEREAS, the United States Congress declared on July 22, 2004, that the atrocities in Darfur constituted genocide, and

WHEREAS, on September 9, 2004, Secretary of State Colin Powell and President George W. Bush described the crisis in Darfur as genocide, and

WHEREAS, on June 30, 2005, President Bush confirmed that “the violence in the Darfur region is clearly genocide and the human cost is beyond calculation,” and

WHEREAS, on May 8, 2006, President Bush stated, “we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured,” and

WHEREAS, on May 5, 2006, the Government of Sudan and the largest rebel faction in Darfur, the Sudan Liberation Movement, led by Minni Minnawi, signed the Darfur Peace Agreement (DPA), and

WHEREAS, violence in Darfur escalated in the months following the signing of the DPA, with increased attacks against civilians and humanitarian workers, and

WHEREAS, violence has spread to the neighboring states of Chad and the Central African Republic, threatening regional peace and security, and

WHEREAS, in July 2006, more humanitarian aid workers were killed than in the previous 3 years combined, and

WHEREAS, violence has forced some humanitarian organizations to suspend operations, leaving 40 percent of the population of Darfur inaccessible to aid workers, and

WHEREAS, on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), asserting that the existing United Nations Mission in Sudan (UNMIS) “shall take over from the African Union Mission in Sudan (AMIS) responsibility for supporting the implementation of the Darfur Peace Agreement (DPA) upon the expiration of AMIS’s mandate but in any event no later than 31 December 2006,” and that UNMIS “shall be strengthened by up to 17,300 military personnel...up to 3,300 civilian police personnel and up to 16 Formed Police Units,” which “shall begin to be deployed no later than 1 October 2006,” and

WHEREAS, on September 19, 2006, President Bush announced the appointment of Andrew Nastios as Presidential Special Envoy to lead United States efforts to bring peace to the Darfur region in Sudan, and

WHEREAS, on November 16, 2006, high-level consultations led by Kofi Annan, Secretary General of the United Nations, and Alpha Oumar Konare, Chairperson of the African Union Commission, and including representatives of the Arab League, the European Union, the Government of Sudan, and other national governments, produced the “Addis Ababa Agreement,” and

WHEREAS, the Agreement stated that the DPA must be made more inclusive, and “called upon all parties - Government and DPA nonsignatories - to immediately commit to a cessation of hostilities in Darfur in order to give the peace process the best chances for success,” and

WHEREAS, the Agreement included a plan to establish a United Nations-African Union peacekeeping operation that would consist of no fewer than 17,000 military troops and 3,000 civilian police, and would have a primarily African character, and

WHEREAS, the Agreement stated that the peacekeeping operation must be logistically and financially sustainable, with support coming from the United Nations, and

WHEREAS, it is imperative that a peacekeeping force in Darfur have sufficient strength and the mandate to provide adequate security to the people of Darfur, and

WHEREAS, on January 10, 2007, New Mexico Governor Bill Richardson met with Sudanese President Omar Hassan Al-Bashir; their meeting resulted in the issuance of a Joint Statement calling for “a 60-day cessation of hostilities by all parties within the framework of the Darfur Peace Agreement,” and

WHEREAS, the Joint Statement called for the initiation of African Union/United Nations diplomatic efforts within the framework of the DPA, and for two projected meetings - a Government of Sudan-sponsored field commanders’ conference to be attended by representatives of the African Union and the United Nations, and a subsequent African Union/United Nations sponsored peace summit, again within the framework of the DPA, to be held no later than March 15, 2007, and

WHEREAS, the Joint Statement stated the need to disarm all armed groups, including the Janjaweed, pursuant to the provision of the DPA, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Florida Legislature:

(1) Supports, given the rapidly deteriorating situation on the ground in Darfur, the principles of the Addis Ababa Agreement of November 17, 2006, in order to increase security and stability for the people of Darfur.

(2) Declares that the deployment of an African Union-United Nations peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement, is the minimum acceptable effort on the part of the international community to protect the people of Darfur.

(3) Supports the strengthening of the African Union peacekeeping mission in Sudan so that it may improve its performance with regard to civilian protection as the African Union peacekeeping mission begins to transfer responsibility for protecting the people of Darfur to the United Nations-African Union peacekeeping force under the command and control of the United Nations, as laid out in the Addis Ababa Agreement.

(4) Calls upon the Government of Sudan to immediately:

(a) Allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; and

(b) Work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur in keeping with the United Nations Security Council Resolution 1706 passed on August 31, 2006.

(5) Calls upon all parties to the conflict to immediately:

(a) Adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007;

(b) Observe the cease-fire contained therein; and

(c) Respect the impartiality and neutrality of humanitarian agencies so that relief workers can have unfettered access to their beneficiary populations and deliver desperately needed assistance.

(6) Urges the President to:

(a) Continue work with other members of the international community, including the permanent members of the United Nations Security Council, the African Union, the European Union, the Arab League, Sudan’s trading partners, and the Government of Sudan to facilitate the implementation of the Addis Ababa Agreement and the subsequent Richardson-Bashir Joint Statement;

(b) Ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate by providing adequate funding and by working with our international partners to provide technical assistance, logistical support and intelligence-gathering capabilities, and military assets;

(c) Vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons

responsible for crimes against humanity as previously authorized in the Darfur Peace and Accountability Act of 2006 (Public Law 109-344), United Nations Security Council Resolution 1591 (2005), and the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497, 118 Stat. 4012); and

(d) Make all necessary efforts to address the widespread incidents of gender-based violence in Darfur, including working with the Government of Sudan to help institute a zero-tolerance policy for gender-based violence as agreed to in the Richardson-Bashir Joint Statement.

(7) Calls upon the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Florida delegation to the United States Congress to:

(a) Provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur;

(b) Provide all necessary funding and support for humanitarian aid in Darfur and affected areas of Chad and the Central African Republic;

(c) Conduct sufficient oversight of actions by the United States administration to ensure that no opportunities for furthering the peace are missed; and

(d) Continue to monitor the conflict and political processes and, if necessary, examine imposing additional punitive sanctions against the Government of Sudan, officials within the Government of Sudan, rebel leaders, and any other individual or group obstructing the ongoing peace process or in violation of agreed-upon cease-fires and the Darfur Peace Agreement.

BE IT FURTHER RESOLVED that the Florida Legislature urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Margolis, **SM 1698** was adopted and certified to the House. The vote on adoption was:

Yeas—36

Mr. President	Dockery	Margolis
Alexander	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Geller	Posey
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Crist	King	Webster
Deutch	Lawson	Wilson
Diaz de la Portilla	Lynn	Wise

Nays—None

CO-INTRODUCERS

All Senators not previously shown as co-introducers, were recorded as co-introducers of **SM 1698**.

By Senator Atwater—

CS for SB 116—A bill to be entitled An act relating to the unauthorized use of the name or image of a member of the armed forces for business purposes; prohibiting a person from using the name or image of a member of the armed forces; providing exceptions; defining the term “member of the armed forces”; providing criminal penalties; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

Amendment 1 (672252)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (3), (4), (5), and (6) of section 540.08, Florida Statutes, are redesignated as subsections (4), (5), (6), and (7), respectively, and a new subsection (3) is added to that section, to read:

540.08 Unauthorized publication of name or likeness.—

(3) *If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term “member of the armed forces” means an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, the Florida National Guard, and United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.*

Section 2. This act shall take effect July 1, 2007.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the unauthorized use of a name or likeness; amending s. 540.08, F.S.; prohibiting the use of the name or image of a member of the armed forces for certain purposes without obtaining consent in the manner prescribed by applicable state law; defining the term “member of the armed forces”; providing penalties for such unauthorized use; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 116** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote **SB 1908** was withdrawn from the committees of reference and further consideration.

On motion by Senator Margolis, by two-thirds vote **SB 526**, **SB 540**, **SB 638**, **SB 1344**, **SB 2160** and **SB 2614** were withdrawn from the committees of reference and further consideration.

On motion by Senator Dockery, by two-thirds vote **CS for SB 214**, **SB 614** and **SB 978** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **SJR 166** was withdrawn from the Committee on Rules.

On motion by Senator Saunders, by two-thirds vote **SB 1950** was withdrawn from the Committee on Rules.

On motion by Senator Atwater, by two-thirds vote **SB 160** was withdrawn from the Committee on General Government Appropriations; and **CS for SB 1848** and **SB 1852** were withdrawn from the Committee on Rules.

On motion by Senator Constantine, by two-thirds vote **CS for SB 1198** and **CS for SB 1200** were withdrawn from the Committee on Community Affairs; **CS for SB 444** was withdrawn from the Committee on Military Affairs and Domestic Security; and **SB 1452** was withdrawn from the Committee on Rules.

REPORTS OF COMMITTEES

The Law and Justice Policy and Calendar Committee submits the following bills to be placed on the Special Order Calendar for Friday, April 13, 2007: **CS for SB 412**, **CS for SB 728**, **CS for CS for SB 156**, **CS for SB 184**, **CS for SB 154**, **SB 472**, **CS for SB 174**, **SB 886**, **CS for SB 816**, **SM 1698**, **CS for SB 116**

Respectfully submitted,
Paula Dockery, Chair

The Committee on Community Affairs recommends the following pass: SB 622 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Finance and Tax recommends the following pass: SB 574 with 1 amendment

The bill was referred to the Committee on Education Pre-K - 12 Appropriations under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 980

The Committee on Community Affairs recommends the following pass: SB 2700 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Communications and Public Utilities recommends the following pass: SB 2446

The Committee on Environmental Preservation and Conservation recommends the following pass: SB 2766 with 1 amendment

The Committee on Finance and Tax recommends the following pass: SB 1416

The Committee on Governmental Operations recommends the following pass: SB 1666; CS for SB 2398

The bills contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 1928 with 4 amendments; CS for SB 2038 with 2 amendments; SB 2752 with 1 amendment

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 212

The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 1760 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Operations recommends the following pass: CS for SB 1034

The bill was referred to the Committee on Rules under the original reference.

The Committee on Criminal and Civil Justice Appropriations recommends the following pass: CS for SB 732; CS for SB 1342; CS for SB 1544; CS for CS for SB 1712

The Committee on Education Pre-K - 12 Appropriations recommends the following pass: CS for SB 468; CS for SB 2092

The Committee on General Government Appropriations recommends the following pass: CS for SB 1376; CS for SB 1488; CS for SB 1490; CS for SB 1884; CS for SB 1952; CS for SB 1976

The Committee on Health and Human Services Appropriations recommends the following pass: CS for SB 20; SB 2634

The Committee on Transportation and Economic Development Appropriations recommends the following pass: SB 90; CS for CS for SB 252; CS for CS for SB 482; SB 558; SB 1448

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2666

The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: SB 2008

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1736

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 196

The bill with committee substitute attached was referred to the Committee on Criminal and Civil Justice Appropriations under the original reference.

The Committee on Environmental Preservation and Conservation recommends a committee substitute for the following: CS for SB 2134

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 1980

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.

The Committee on Communications and Public Utilities recommends a committee substitute for the following: CS for SB 2054

The Committee on Governmental Operations recommends committee substitutes for the following: SB 130; SB 198; CS for SB 264; SB 390

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on General Government Appropriations under the original reference.

The Committee on Governmental Operations recommends committee substitutes for the following: SB 564; CS for SB 770; CS for SB 1630

The bills with committee substitutes attached were referred to the Committee on Health and Human Services Appropriations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 628

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 186

The bill with committee substitute attached was referred to the Committee on Rules under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 44; SB 80; SB 486

The Committee on Criminal and Civil Justice Appropriations recommends a committee substitute for the following: CS for SB 448

The Committee on General Government Appropriations recommends committee substitutes for the following: CS for SB 668; SB 1424; CS for CS for SB 1894; CS for SB 1972; CS for SB 2052

The Committee on Governmental Operations recommends a committee substitute for the following: CS for SB 1160 and SB 2566

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Governmental Operations recommends that the Senate confirm the following appointments made by the Governor:

Office and Appointment

For Term Ending

Secretary of Management Services
Appointee: South, Linda H.

Pleasure of Governor

Secretary of State
Appointee: Browning, Kurt S.

Pleasure of Governor

[The appointments were referred to the Committee on Ethics and Elections under the original reference.]

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Atwater—

SJR 3034—A joint resolution proposing amendments to Sections 3, 4, and 6 of Article VII and the creation of a new section in Article XII of the State Constitution, to authorize an exemption from ad valorem taxation for tangible personal property, to authorize portability of the limitation in the difference between the just value and the assessed value for homestead property, to create an additional homestead exemption for first-time homestead property owners, and to provide an effective date if such amendments are adopted.

—was referred to the Committee on Finance and Tax.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Community Affairs; and Senator Aronberg—

CS for SB 44—A bill to be entitled An act relating to the City of Fernandina Beach; providing for the relief of Verlin C. Weaver for injuries sustained as a result of the negligence of an employee of the City of Fernandina Beach; providing for an appropriation; providing for a limitation on payment of fees and costs; providing an effective date.

By the Committee on Community Affairs; and Senator Diaz de la Portilla—

CS for SB 80—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Norka Laureiro; authorizing and directing Miami-Dade County to compensate Norka Laureiro for injuries sustained as a result of a collision caused by a Miami-Dade County bus; providing for a limitation on payment of fees and costs; providing an effective date.

By the Committee on Governmental Operations; and Senator Fasano—

CS for SB 130—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain employees to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for the employee; providing a statement of important state interest; providing an effective date.

By the Committees on Governmental Operations; Children, Families, and Elder Affairs; and Senators Aronberg, Lynn and Crist—

CS for CS for SB 186—A bill to be entitled An act relating to public records; amending s. 741.313, F.S.; providing an exemption from public-records requirements for certain records and time sheets submitted to an agency, as defined in ch. 119, F.S., by an employee who is a victim of domestic violence; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Governmental Operations; and Senators Aronberg, Joyner, Fasano and Ring—

CS for SB 196—A bill to be entitled An act relating to student loans; creating s. 43.45, F.S.; providing for a financial assistance program administered by the Justice Administrative Commission and the Office of the Attorney General to assist a career assistant state attorney, assistant public defender, assistant attorney general, or assistant statewide prosecutor in the repayment of eligible student loans; providing definitions; providing elements of the program; requiring the administering body to make a payment of a certain amount; providing for funding; requiring the Justice Administrative Commission to develop procedures; requiring the Office of the Attorney General to adopt rules; providing an effective date.

By the Committee on Governmental Operations; and Senator Wise—

CS for SB 198—A bill to be entitled An act relating to firefighter and municipal police pensions; amending s. 175.032, F.S.; redefining the term “firefighter”; redefining the term “special fire control district” to include certain community development districts performing fire suppression and related services; amending s. 175.061, F.S.; authorizing the terms of office for the board of trustees of the firefighters’ pension trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree’s spouse and dependents; providing an exemption from liability under certain circumstances; amending s. 175.071, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the firefighters’ pension trust fund which the board of trustees may invest in foreign securities; authorizing certain individuals to sign drafts issued upon the firefighters’ pension trust fund; amending s. 185.05, F.S.; authorizing the terms of office for the board of trustees of the municipal police officers’ retirement trust fund to be revised under certain circumstances; authorizing the plan administrator to withhold funds to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree’s spouse and dependents; providing an exemption from

liability under certain circumstances; amending s. 185.06, F.S.; requiring the board of trustees to perform its powers subject to certain fiduciary standards and ethics provisions; increasing the percentage of assets of the municipal police officers' retirement trust fund which the board of trustees may invest in foreign securities; authorizing certain individuals to sign drafts issued upon the municipal police officers' retirement trust fund; amending s. 190.011, F.S.; authorizing community development districts to levy the state excise tax on property insurance premiums; providing for severability; providing an effective date.

By the Committees on Governmental Operations; Banking and Insurance; and Senator Geller—

CS for CS for SB 264—A bill to be entitled An act relating to the Department of Financial Services; amending s. 20.121, F.S.; revising procedures for appointing and removing directors to the Office of Insurance Regulation and the Office of Financial Regulation within the Financial Services Commission; providing an effective date.

By the Committee on Governmental Operations; and Senator Wilson—

CS for SB 390—A bill to be entitled An act relating to child welfare professionals; designating the second Monday in May as "Child Welfare Professionals Recognition Day"; providing an effective date.

By the Committees on Criminal and Civil Justice Appropriations; Judiciary; and Senators Fasano and Joyner—

CS for CS for SB 448—A bill to be entitled An act relating to county funding of additional court personnel; amending s. 29.0081, F.S.; specifying that the county be considered the employer; providing that employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan; prescribing supervisory duties of the judicial circuit; revising the status of positions funded under the section; providing an effective date.

By the Committee on Community Affairs; and Senator Oelrich—

CS for SB 486—A bill to be entitled An act relating to the City of Tallahassee; providing for the relief of Sheryl D. Allen and George F. Allen, her husband; providing for an appropriation to compensate them for injuries and damages sustained as a result of an accident involving Sheryl D. Allen and an employee of the City of Tallahassee; providing for a limitation on payment of fees and costs; providing an effective date.

By the Committee on Governmental Operations; and Senators Rich, Lynn, Hill, Peaden, Margolis and Wilson—

CS for SB 564—A bill to be entitled An act relating to children's services; creating the Children and Youth Cabinet; providing legislative intent; providing organization, membership, and duties and responsibilities of the cabinet; providing for an advisory board; requiring the cabinet to prepare an annual report; providing an effective date.

By the Committee on Governmental Operations; and Senator Lawson—

CS for SB 628—A bill to be entitled An act relating to public records and meetings; creating s. 627.3121, F.S.; providing an exemption from public-records requirements for certain records of the Florida Workers' Compensation Joint Underwriting Association, Inc.; authorizing the release of records that are confidential and exempt from disclosure to another agency in the performance of that agency's official duties; requiring the receiving agency to maintain the confidentiality of the records; providing an exemption from public-meetings requirements for portions of a meeting of the association's board of governors or a subcommittee during which confidential records are discussed; requiring that

exempt portions of meetings be recorded, transcribed, and maintained for a specified period; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; and Senator Fasano—

CS for CS for SB 668—A bill to be entitled An act relating to surplus state lands; amending s. 253.034, F.S.; providing for reconveyance of certain state lands to certain fair associations under specified circumstances; authorizing agencies last holding a lease of such lands to remove improvements, fixtures, goods, wares, and merchandise from such lands within a time certain after reconveyance; providing for expiration; providing an effective date.

By the Committees on Governmental Operations; Health Regulation; and Senators Atwater, Fasano and Lynn—

CS for CS for SB 770—A bill to be entitled An act relating to the physician workforce; creating s. 381.4018, F.S.; providing legislative intent; creating the Office of Physician Workforce Assessment and Development within the Division of Health Access and Tobacco of the Department of Health; requiring that the office serve as a coordinating and planning body to assess the state's future workforce needs for physicians; requiring the office to develop strategies for addressing the current and projected workforce needs; specifying additional functions of the office; requiring each allopathic and osteopathic physician in the state to complete a survey concerning the physician's practice as a condition of license renewal; specifying the information to be furnished to the Department of Health in the physician survey; providing for a nondisciplinary citation to be issued to a physician or osteopathic physician who fails to complete the required survey; requiring the department to provide notice of the applicable penalty; requiring the Office of Physician Workforce Assessment and Development to annually analyze and evaluate the results of the survey; requiring the office to report its findings to the Governor and the Legislature; creating the Physician Workforce Advisory Council within the Department of Health to assist the department with respect to physician workforce issues; providing for the membership of the advisory council and terms of office; providing for members of the council to be reimbursed for travel and per diem expenses; providing an effective date.

By the Committees on Governmental Operations; Higher Education; and Senators Dockery and Hill—

CS for CS for SB 1160 and SB 2566—A bill to be entitled An act relating to building and facility designations; providing for the designation of buildings and facilities at the University of Florida, the University of South Florida, and the University of Central Florida; directing the universities to erect suitable markers; designating the Department of Education office at 921 N. Davis Street in Jacksonville as the "Mary L. Singleton Education Office"; directing the Department of Education to erect suitable markers; designating the administration building at the Florida State Hospital in Chattahoochee as the "William DeWitt Rogers Administration Building"; directing the Department of Children and Family Services to erect suitable markers; designating the Florida Center for Nursing in Orlando as the "Florida Barbara B. Lumpkin Center for Nursing"; directing the Department of Health to erect suitable markers; providing an effective date.

By the Committee on General Government Appropriations; and Senator Carlton—

CS for SB 1424—A bill to be entitled An act relating to state financial matters; amending s. 215.47, F.S.; revising a limitation on the percentage of a fund that may be invested in specified investments; amending s. 216.181, F.S.; prohibiting initiating or commencing a new fixed capital outlay project through an amendment to the original approved operating budget for operational and fixed capital outlay expenditures; authorizing the Executive Office of the Governor to approve changes in amounts

appropriated to the Department of Military Affairs for fixed capital outlay projects under specified circumstances; prohibiting initiating or commencing a fixed capital outlay project by a change to an approved operating budget unless specifically provided; amending s. 216.1827, F.S.; requiring that a state agency submit to the Executive Office of the Governor for review and approval requests concerning the revision or addition of agency activities, including the alignment of activities to performance measures; amending s. 216.192, F.S.; providing for certain exceptions to provisions of the original approved operating budget of state agencies and the judicial branch to be provided by law rather than in the General Appropriations Act; amending s. 216.292, F.S.; deleting provisions authorizing the approval of the transfer of funds for fixed capital outlay projects for the Department of Military Affairs; amending s. 286.036, F.S.; reassigning the Taxation and Budget Reform Commission for administrative purposes from the Board of Regents to the Office of Legislative Services; amending s. 1003.03, F.S.; authorizing the Commissioner of Education to recommend a budget amendment for the transfer of certain funds if the State Board of Education finds that a district has been unable to meet class size reduction requirements; providing an effective date.

By the Committees on Governmental Operations; Military Affairs and Domestic Security; and Senators Hill and Dockery—

CS for CS for SB 1630—A bill to be entitled An act relating to the United States Marine Corps license plate; amending s. 320.08058, F.S.; revising authorized allocation of the annual use fee; providing an effective date.

By the Committee on Governmental Operations; and Senator Fasano—

CS for SB 1736—A bill to be entitled An act relating to state aid to public libraries; amending s. 257.172, F.S.; revising grant eligibility criteria for multicounty libraries; revising determination for and amount of base grants; amending s. 257.18, F.S.; revising eligibility criteria, calculation, and determination for equalization grants; limiting grants and grant amounts under specified conditions; amending s. 257.22, F.S.; removing a requirement for issuance of warrants to political subdivisions eligible for certain funding; amending s. 257.42, F.S.; removing a limit on the amount of a library cooperative grant; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; Banking and Insurance; and Senator Posey—

CS for CS for CS for SB 1894—A bill to be entitled An act relating to the Florida Workers' Compensation Joint Underwriting Association, Inc.; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers which operates as the association; revising the membership of the board of governors that oversees operation of the joint underwriting plan; revising restrictions on who may serve on the board; providing for the continuous review of the plan; requiring that the market-assistance plan be periodically reviewed and updated; providing guidelines for procurement of goods and services, including legal services; authorizing the use of surplus funds of former plan C; requiring that excess funds received by the plan be returned to the state; providing for the applicability of specified statutes regulating ethical standards; requiring annual statements by plan employees certifying that they do not have conflicts of interest; prescribing limits on representing persons or entities before the plan by former senior managers or officers of the plan; prohibiting any part of the plan's income from inuring to the benefit of a private individual; prohibiting employees and board members from accepting expenditures from a person or an entity; providing applicability; requiring periodic comprehensive market examinations; prescribing the disposition of assets of the plan upon dissolution; requiring that the plan submit a request for an Internal Revenue Service letter concerning the plan's eligibility as a tax-exempt entity; providing an effective date.

By the Committees on General Government Appropriations; and Governmental Operations—

CS for CS for SB 1972—A bill to be entitled An act relating to the leasing of private property by state agencies; amending s. 255.248, F.S.; defining terms; amending s. 255.249, F.S.; requiring the Department of Management Services to develop a strategic leasing plan; removing the expiration of provisions requiring that the department annually submit a master leasing report to the Governor and the Legislature concerning leases that are due to expire and amendments and supplements to and waivers of the terms and conditions of lease agreements; requiring state agencies to provide information concerning space needs to the Department of Management Services; requiring that the Department of Management Services adopt rules for soliciting and accepting competitive solicitations for certain leased space, for exempting the lease of care and living space or emergency space from competitive-solicitation requirements, for securing at least three quotes for a lease that is not required to be competitively solicited and for providing information regarding space needs to the Department of Management Services; removing the expiration of provisions requiring that specified clauses, which may not be amended, supplemented, or waived, be included in the terms and conditions of a lease; authorizing the Department of Management Services to contract for services in carrying out the strategic leasing plan; amending s. 255.25, F.S.; requiring state agencies to consult with the Department of Management Services concerning use of space; removing the expiration of provisions requiring that the department approve the terms of a lease by a state agency; requiring an analysis if the department approves an amendment or supplement to or waiver of a term or condition of a lease agreement; prohibiting a state agency from entering into certain leases of space in a privately owned building except upon advertisement for and receipt of competitive solicitations; providing exceptions; providing requirements for the use of invitations to bid, requests for proposals, and invitations to negotiate; providing criteria for awarding contracts; providing criteria for protesting an agency decision or intended decision pertaining to a competitive solicitation for leased space; providing criteria for the Department of Management Services to use when determining the state's best interest and when approving leases of 5,000 square feet or more; authorizing state agencies to use the services of a tenant broker under specified circumstances; authorizing the Department of Management Services to procure a state term contract for real estate consulting and brokerage services; removing the expiration of provisions providing legislative intent with respect to the use of state-owned buildings; requiring that the department create a plan for fully using such buildings before leasing private buildings; requiring an annual report to the Legislature and the Governor; providing an effective date.

By the Committees on Governmental Operations; and Environmental Preservation and Conservation—

CS for CS for SB 1980—A bill to be entitled An act relating to the management of wildlife and saltwater fisheries; amending s. 320.08056, F.S.; increasing the annual use fee for the Sea Turtle specialty license plate; amending s. 320.08058, F.S.; authorizing the use of certain annual fees for specialty license plates to promote and market the plates; incorporating the amendments made to s. 370.12, F.S., in a reference thereto; amending s. 370.0603, F.S.; authorizing the deposit of certain funds into the Marine Resources Conservation Trust Fund; providing purposes for which funds may be used; amending s. 370.1105, F.S.; correcting a reference; amending s. 370.12, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; authorizing the Fish and Wildlife Conservation Commission to use certain annual use fees to buy back certain specialty license plates; amending s. 370.13, F.S.; authorizing the waiver of replacement tag fees for stone crab traps under certain conditions; providing for legislative approval of commission rules establishing equitable rent; deleting the suspension of stone crab endorsements for first violations; amending s. 370.135, F.S.; establishing certain endorsement fees for the taking of blue crabs; establishing an annual trap tag fee; authorizing the commission to establish an amount of equitable rent by rule; providing for legislative approval of the rule; authorizing the commission to waive endorsement and trap tag fees for a 1-year period; authorizing the waiver of blue crab trap replacement tag fees under certain conditions; requiring the deposit of certain proceeds into the Marine Resources Conservation Trust Fund; specifying the use of such proceeds; providing for the adoption of rules; providing administrative penalties for certain violations; prohibiting the

unauthorized possession of blue crab trap gear or removal of blue crab trap contents and providing penalties therefor; providing penalties for certain other prohibited activities relating to blue crab traps, lines, buoys, and trap tags; providing penalties for fraudulent reports related to endorsement transfers; prohibiting certain activities during endorsement suspension and revocation; preserving state jurisdiction for certain convictions; providing requirements for certain license renewal; providing for the expiration of certain provisions unless reenacted by the Legislature; appropriating certain fee revenues to the commission for blue crab effort management program costs; amending ss. 370.14, 370.1405, and 370.142, F.S.; clarifying provisions regulating spiny lobsters; providing for legislative approval of rules establishing equitable rent; authorizing the waiver of spiny lobster trap replacement fees under certain conditions; providing administrative penalties for certain violations concerning spiny lobsters; prohibiting transfer of spiny lobster certificates under certain conditions; amending s. 861.021, F.S.; clarifying provisions regulating spiny lobsters; amending s. 370.143, F.S.; revising provisions for certain trap retrieval programs and fees; authorizing the waiver of trap retrieval fees under certain conditions; amending s. 372.09, F.S.; authorizing the use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.672, F.S.; authorizing use of certain annual use fees for specialty license plates to promote and market the plates; amending s. 372.83, F.S.; correcting cross-references; reenacting s. 380.511(1)(c), F.S., relating to deposit of proceeds from sale of certain specialty license plates, to incorporate the amendments made to s. 320.08058, F.S., in a reference thereto; amending s. 20.331, F.S.; requiring the Fish and Wildlife Conservation Commission to adopt and publish a rule establishing due process procedures; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Jones—

CS for SB 2008—A bill to be entitled An act relating to sand source management; creating s. 161.144, F.S.; providing for the development and maintenance of an inventory of identified offshore sand sources by the Department of Environmental Protection as part of its comprehensive long-term beach management plan; providing for public review of maps of offshore sand sources; providing for boards of county commissioners of coastal counties adjacent to sand sources proposed for use outside of the region or subregion to be notified and given adequate opportunity to comment during a project's planning and permitting stages; providing for the inclusion of certain information in the department's annual funding request; providing an effective date.

By the Committees on General Government Appropriations; and Environmental Preservation and Conservation—

CS for CS for SB 2052—A bill to be entitled An act relating to environmental protection; amending s. 320.08058, F.S.; requiring that the proceeds of the fees paid for Wildflower license plates be distributed to the Florida Wildflower Foundation, Inc.; specifying uses of the proceeds; requiring that such proceeds be distributed to the Department of Agriculture and Consumer Services under certain circumstances; amending s. 403.413, F.S.; clarifying who is liable for dumping under the Florida Litter Law; amending s. 403.4131, F.S.; deleting the provisions relating to Keep Florida Beautiful, Inc.; encouraging additional counties to develop a regional approach to coordinating litter control and prevention programs; deleting certain requirements for litter reduction and a litter survey; deleting the provisions relating to the Wildflower Advisory Council; amending s. 403.41315, F.S.; conforming provisions to changes made to the Keep Florida Beautiful, Inc., program; amending s. 403.4133, F.S.; placing the Adopt-a-Shore Program within the Department of Environmental Protection; amending s. 403.703, F.S.; reordering definitions in alphabetical order; clarifying certain definitions and deleting definitions that are not used; amending s. 403.704, F.S.; deleting obsolete provisions relating to the state solid waste management program; amending s. 403.7043, F.S.; deleting obsolete and conflicting provisions relating to compost standards; amending s. 403.7045, F.S.; prohibiting the regulation of industrial byproducts under certain circumstances; conforming a cross-reference; clarifying provisions governing dredged material; amending s. 403.705, F.S., relating to the state solid waste management program; conforming a cross-reference; amending s. 403.7061, F.S.; authorizing the Department of Environmental

Protection to initiate rulemaking regarding waste-to-energy facilities; deleting a requirement to initiate such rulemaking; amending s. 403.707, F.S.; authorizing the Department of Environmental Preservation to exempt certain facilities from the requirement for a permit; authorizing the department to include certain licenses in a permit; deleting certain obsolete provisions; removing a requirement concerning groundwater monitoring of certain facilities; extending the time period for a public hearing when a local government seeks to exempt certain material from the definition of construction and demolition debris; specifying conditions, following the transfer of ownership or control of a solid waste facility, which must be met before the transferee may operate the facility; specifying criteria concerning an application to the Department of Environmental Protection to transfer an operating permit for a solid waste facility; specifying responsibilities for complying with permit requirements, including financial-assurance requirements, when ownership or control of a solid waste facility is transferred; authorizing rulemaking by the department; creating s. 403.7071, F.S.; providing for the management and disposal of certain storm-generated debris; amending s. 403.708, F.S.; deleting obsolete provisions and clarifying provisions governing landfills; amending s. 403.709, F.S.; revising the provisions relating to the distribution of the waste tire fees for litter prevention and control; providing for expiration and enforcement of a lien on real property concerning compliance with waste-tire requirements; amending s. 403.7095, F.S., relating to the solid waste management grant program; specifying what constitutes an innovative grant; conforming a cross-reference; amending s. 403.7125, F.S.; deleting certain definitions that appear elsewhere in law; clarifying requirements concerning financial assurance for closure of a landfill; amending s. 403.716, F.S.; deleting provisions relating to the training and employment of certain facility operators; amending s. 403.717, F.S.; clarifying provisions relating to waste tires and the processing of waste tires; transferring, renumbering, and amending s. 403.7221, F.S.; increasing the duration of certain research, development, and demonstration permits; authorizing issuance of such a permit to a hazardous waste management facility; amending s. 403.722, F.S.; clarifying provisions relating to who is required to obtain certain hazardous waste permits; providing for operation or closure of certain existing facilities that must, due to a rule change, be permitted as hazardous waste facilities; amending s. 403.7226, F.S.; deleting a requirement to submit an annual state assessment concerning needs for hazardous waste management; amending s. 403.724, F.S.; clarifying certain financial-assurance provisions; amending s. 403.7255, F.S.; revising requirements regarding signs to notify the public about hazardous waste contamination of certain sites; amending s. 403.726, F.S.; authorizing the Department of Environmental Protection to issue an order to abate certain hazards; amending s. 403.7265, F.S.; deleting provisions requiring a statewide local hazardous waste management plan; requiring a local government to provide matching funds for grants concerning conditionally exempt or household hazardous waste under certain conditions; repealing s. 403.7075, F.S., relating to the submission of a plan or application for certain permits for a solid waste management facility; repealing s. 403.756, F.S., relating to an annual used-oil report; repealing s. 403.7895, F.S., relating to permitting and a certification of need for a commercial hazardous waste incinerator; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, and 403.7893, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act; providing an effective date.

By the Committees on Communications and Public Utilities; and Environmental Preservation and Conservation—

CS for CS for SB 2054—A bill to be entitled An act relating to the Department of Environmental Protection; amending s. 258.007, F.S.; deleting a penalty for a rule violation; creating s. 258.008, F.S.; creating penalties for the violation of rules adopted under ch. 258, F.S., and for specified activities within the boundaries of a state park; providing for fines to be deposited into the State Park Trust Fund; providing for court costs under certain circumstances; amending s. 316.212, F.S.; allowing the operation of golf carts on roads within the state park system under certain conditions; amending s. 373.4142, F.S.; providing statewide consistency for water quality standards in the Northwest Florida Water Management District; amending s. 373.414, F.S.; providing that certain variance provisions apply in the Northwest Florida Water Management District; amending s. 373.4211, F.S.; ratifying the wetland rule and

amending it to include certain plant species approved by the Environmental Regulation Commission; providing for delay of the ratification until certain conditions are met; amending s. 403.031, F.S.; conforming the definition of the term “regulated air pollutant” to changes made in the federal Clean Air Act; amending s. 403.067, F.S.; providing for the trading of water quality credits in the total maximum daily load program in areas that have adopted a basin action plan; providing for rules and specifying what the rules must address; amending s. 403.0872, F.S.; conforming the requirements for air operation permits to changes made to Title V of the Clean Air Act to delete certain minor sources from the Title V permitting requirements; amending s. 403.088, F.S.; providing for the revision of water pollution operation permits; amending s. 403.50663, F.S.; clarifying certain notice requirements; amending s. 403.50665, F.S.; providing for a local government to issue a statement of inconsistency with existing land use plans and zoning ordinances due to incompleteness of information necessary for an evaluation; amending s. 403.508, F.S.; clarifying certain hearing requirements for land use and certification hearings; amending s. 403.509, F.S.; clarifying certain provisions relating to certifications issued by the Department of Environmental Protection; amending s. 403.5113, F.S.; providing technical corrections to provisions requiring postcertification amendments and review; amending s. 403.5115, F.S.; clarifying certain public-notice requirements; amending s. 403.5252, F.S.; clarifying provisions relating to the determination of completeness of an application for an electric transmission line; amending s. 403.527, F.S.; clarifying the time under which the department or the applicant may request the cancellation of a certification hearing for a proposed transmission line; amending s. 403.5271, F.S.; clarifying the responsibilities of reviewing agencies to review the completeness of an application; amending s. 403.5317, F.S.; clarifying the provisions relating to a change in the condition of a certification; amending s. 403.5363, F.S.; providing that notice of a cancellation of a certification hearing must be within a certain time; amending s. 376.30715, F.S.; defining the term “acquired” for purposes of transfers of certain property; repealing ch. 325, F.S., consisting of ss. 325.2055, 325.221, 325.222, and 325.223, F.S., relating to motor vehicle air conditioning refrigerants; repealing s. 403.0875, F.S., relating to citrus juice processing facilities; amending s. 373.459, F.S.; repealing a provision that repealed a subsection concerning financial match requirements and certain expenditure limitations for surface water protection programs; providing an effective date.

By the Committees on Environmental Preservation and Conservation; Community Affairs; and Senators Constantine and Crist—

CS for CS for SB 2134—A bill to be entitled An act relating to tax increment financing; authorizing two or more counties, or a combination of at least one county and municipality, to establish a tax increment area for conservation lands by interlocal agreement; providing requirements for such an interlocal agreement; requiring that a tax increment be determined annually; limiting the amount of the tax increment; requiring the establishment of a separate reserve account for each tax increment area; providing for a refund; requiring an annual audit of the separate reserve account; providing for the administration of the separate reserve account; providing that the governmental body that administers the separate reserve account may spend revenues from the tax increment to purchase real property only if all parties to the interlocal agreement adopt a resolution that approves the purchase price; providing that a water management district may be a party to the interlocal agreement; requiring certain approvals from the Department of Environmental Protection and the Department of Community Affairs; providing a comparative standard on which the minimum annual funding of the separate reserve account must be based; requiring a taxing authority that does not pay tax increment revenues to the separate reserve account before a specified date to pay a specified amount of interest on the amount of unpaid increment revenues; providing exemptions for certain public bodies, taxing authorities, and special districts; providing that revenue bonds may be paid only from revenues deposited into the separate reserve account; providing that such revenue bonds are not a debt, liability, or obligation of the state or any public body; providing legislative findings; providing an effective date.

By the Committee on Environmental Preservation and Conservation; and Senator Constantine—

CS for SB 2666—A bill to be entitled An act relating to energy efficiency and alternative fuel; amending s. 163.04, F.S.; revising provisions authorizing the use of solar collectors and other energy devices; providing for use of solar collectors on the roofs of condominium common elements; amending s. 196.175, F.S.; revising provisions for the renewable energy source exemption; excluding the assessed value of certain real property for determination of such exemption; amending s. 212.08, F.S.; revising the definition of “ethanol”; increasing the cap on the sales tax exemption for materials used in the distribution of biodiesel and ethanol fuels; specifying eligible items as limited to one refund; requiring a purchaser who receives a refund to notify a subsequent purchaser of such refund; providing that the exemption for renewable energy technologies is available only to the end user of the equipment, machinery, and other materials; creating s. 212.086, F.S.; providing financial incentives for the purchase or lease of an alternative motor vehicle; providing that any person who purchases or leases an alternative motor vehicle from a sales tax dealer is eligible for a refund of the sales tax paid; requiring that the alternative motor vehicle be certified under the Internal Revenue Code of 1986, as amended, as a new qualified hybrid motor vehicle, new qualified alternative fuel motor vehicle, new qualified fuel cell motor vehicle, or new advanced lean-burn technology motor vehicle; requiring that an application for refund be filed with the Department of Revenue; providing that the total dollar amount of refunds is limited to the total amount of appropriations in any fiscal year; authorizing a request for a refund to be held for payment in the following fiscal year under certain circumstances; requiring the department to adopt rules; providing for future repeal of the program; amending s. 220.192, F.S.; providing a definition; providing for the transferability of a tax credit; providing requirements and procedures therefor; requiring the Department of Revenue to promulgate a form and issue certificates; amending s. 220.193, F.S.; providing a definition; providing that a taxpayer’s use of certain credits does not prohibit the use of other authorized credits; amending s. 255.251, F.S.; revising a short title; amending s. 255.252, F.S.; revising criteria for energy conservation and sustainability for state-owned buildings; requiring that buildings constructed and financed by the state meet a rating system as approved by the department; requiring state agencies to identify state-owned buildings that are suitable for the guaranteed energy program; amending s. 255.253, F.S.; defining the terms “sustainable building” and “sustainable building rating”; amending s. 255.254, F.S.; revising provisions relating to evaluations of life cycle costs before construction of state facilities; deleting provisions relating to evaluations of life cycle costs with respect to facilities that are leased; amending s. 255.255, F.S.; revising energy conservation performance guidelines to be used in life-cycle cost analyses; amending s. 287.064, F.S.; revising requirements relating to guaranteed energy performance savings contracts; amending s. 287.16, F.S.; requiring the Department of Management Services to conduct an inventory of state vehicles that are flexible fuel motor vehicles or hybrid motor vehicles; requiring a specified percentage of such vehicles in the state’s inventory; amending s. 366.93, F.S.; revising definitions related to certain power plants to include integrated gasification combined cycle power plants; requiring the Public Service Commission to implement rules related to integrated gasification combined cycle power plant cost recovery; requiring a report; amending s. 403.519, F.S.; providing requirements and procedures for determining need for certain advanced coal technology power plants; providing an exemption from purchased power supply bid rules under certain circumstances; amending s. 377.802, F.S.; designating October of each year as “Energy Efficiency and Conservation Month”; repealing s. 377.803(2), F.S., relating to the definition of “approved metering equipment”; repealing s. 377.804(6), F.S.; deleting provisions relating to bioenergy projects under the Renewable Energy Technologies Grants Program; amending s. 377.806, F.S.; revising rebate eligibility and application requirements for solar thermal systems; providing that payment may be made only to the final purchaser of an eligible system; limiting the number of rebates that may be made; creating s. 212.0802, F.S.; providing sales tax exemptions for certain energy-efficient products; amending s. 377.901, F.S.; revising membership of the Florida Energy Commission; providing duties of the commission chair; providing eligibility for travel and per diem for ex officio members; prescribing additional duties of the commission; providing for research, recommendations, and a report; creating s. 403.0874, F.S.; prescribing duties of the Department of Environmental Protection with respect to greenhouse gas inventories; amending s. 489.145, F.S.; revising provisions relating to guaranteed energy performance savings contracting to

include energy consumption and energy-related operational savings; revising provisions for the financing of guaranteed energy performance savings contracts; revising criteria for proposed contracts; requiring that consolidated financing of deferred payment commodity contracts be secured by certain funds; requiring the Chief Financial Officer to review proposed guaranteed energy performance savings contracts; creating s. 570.956, F.S.; establishing the Farm-to-Fuel Advisory Council within the Department of Agriculture and Consumer Services; providing membership requirements; providing for council duties; creating s. 570.957, F.S.; establishing the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services; providing definitions; specifying the use of grants for certain bioenergy projects; providing eligibility requirements; authorizing the department to adopt rules; providing criteria for grant award consideration; requiring the department to consult with the Department of Environmental Protection, the Office of Tourism, Trade, and Economic Development, and certain experts when evaluating applications; creating s. 570.958, F.S.; establishing the Biofuel Retail Sales Incentive Program; establishing goals for replacing petroleum consumption; providing definitions; providing incentive payments to qualified retail dealers for increases in the amount of biofuels offered for sale; providing requirements and procedures therefor; creating s. 570.959, F.S.; establishing the Florida Biofuel Production Incentive Program; providing definitions; providing incentive payments to producers of certain biofuels; providing requirements and procedures therefor; authorizing the Department of Agriculture and Consumer Services to adopt rules; directing the Florida Building Commission to convene a workgroup to develop a model residential energy efficiency ordinance; requiring the commission to consult with specified entities to review the cost-effectiveness of energy efficiency measures in the construction of residential, commercial, and government buildings; requiring the commission to consult with specified entities to develop and implement a public awareness campaign; requiring the commission to provide reports to the Legislature; requiring all county, municipal, and public community college buildings to meet certain energy efficiency standards for construction; providing applicability; establishing standards for the use of biodiesel fuels by school district transportation services; providing legislative intent relating to the leverage of state funds for certain research and production; creating the Florida Energy, Aerospace, and Technology Fund to encourage business and investment opportunities and target performance goals for investments in the areas of alternative energy development and production infrastructure; providing for the construction and operation of a multifaceted Research and Demonstration Cellulosic Ethanol Plant; requiring the Florida Energy Commission to conduct a study to determine the appropriate goals for renewable energy resources; requiring a report; providing appropriations; providing effective dates.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Criminal Justice; and Senators Saunders, Bennett and Deutch—

CS for SB 518—A bill to be entitled An act relating to controlled substances; creating s. 831.311, F.S.; prohibiting the sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances; providing penalties; amending s. 893.04, F.S.; providing additional requirements for the dispensing of a controlled substance listed in Schedule II, Schedule III, or Schedule IV; specifying circumstances under which a pharmacist who dispenses controlled substances by mail is exempt from certain requirements governing patient identification; providing requirements and limitations for dispensing controlled substances upon an oral prescription; creating s. 893.055, F.S.; defining terms; requiring the Agency for Health Care Administration to contract for the creation of a website to provide private-sector medication history to certain pharmacies and health care practitioners; providing limitations on use; providing for liability for the improper release of any confidential information; precluding the use of specified legal defenses by defendants in certain actions; providing penalties; creating s. 893.065, F.S.; requiring the department to develop and adopt by rule the form and content for a counterfeit-proof prescription blank for voluntary use by physicians in prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV; providing an appropriation and authorizing additional positions; providing for the

contingent applicability of penalties; providing a contingent effective date.

—was referred to the Committees on Governmental Operations; and Health and Human Services Appropriations.

By the Committee on Health Policy; and Senators Dawson, Joyner, Crist, Lawson and Bullard—

CS for SB 946—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, to finance cancer research, treatment, and related facilities; amending s. 210.201, F.S.; providing for the use of the transferred moneys; providing an effective date.

—was referred to the Committees on Finance and Tax; Health and Human Services Appropriations; and Rules.

By the Committee on Regulated Industries; and Senator Jones—

CS for SB 1036—A bill to be entitled An act relating to the Mobile Home Relocation Corporation; amending s. 723.061, F.S.; providing notice requirements to certain mobile home lot tenants regarding entitlement to compensation from the Florida Mobile Home Relocation Trust Fund; amending s. 723.06116, F.S.; providing for late fees if a mobile home park does not make payments to the Florida Mobile Home Relocation Corporation within the required period; providing for venue for actions to collect payments; amending s. 723.0612, F.S.; providing an exception to provisions providing for payment of relocation expenses; providing certain periods within which an application for funding for relocation expenses must be submitted to the corporation; providing an effective date.

—was referred to the Committee on General Government Appropriations.

By the Committee on Education Pre-K - 12; and Senator Gaetz—

CS for SB 1238—A bill to be entitled An act relating to education; amending s. 1001.03, F.S.; requiring the State Board of Education to review and replace the Sunshine State Standards with World Class Education Standards; establishing requirements for the standards; requiring reports; providing requirements for the adoption, review, and revision of the standards; requiring the State Board of Education to submit an annual report to the Governor and the Legislature; amending ss. 39.0016 and 445.049, F.S.; conforming provisions; amending s. 1000.21, F.S.; revising the systemwide definition of standards; conforming provisions; amending s. 1001.02, F.S.; revising provisions authorizing the State Board of Education to adopt rules; amending s. 1001.215, F.S.; conforming provisions; amending s. 1001.41, F.S.; requiring a school district to emphasize certain items in social studies education; amending s. 1001.42, F.S.; conforming provisions; amending ss. 1002.33 and 1002.415, F.S.; conforming provisions; amending s. 1003.41, F.S.; specifying requirements for World Class Education Standards; creating s. 1003.451, F.S.; requiring the State Board of Education to adopt standards for world-language instruction and provide flexibility in foreign-language teacher certification; creating s. 1003.59, F.S.; requiring the State Board of Education to adopt a model policy for accelerated learning opportunities for certain students; requiring schools districts to implement an accelerated learning policy; requiring the Department of Education to conduct studies; amending s. 1004.04, F.S.; conforming provisions; amending s. 1007.35, F.S.; conforming provisions; amending s. 1008.22, F.S.; requiring the Florida Comprehensive Assessment Test to assess students in social studies; requiring the content knowledge and skills of the statewide assessment program and Florida Comprehensive Assessment Test to align to the World Class Education Standards; providing for the expedited revision of the Florida Comprehensive Assessment Test; requiring the Commissioner of Education to submit reports; creating s. 1008.222, F.S.; providing requirements for end-of-course examinations and timelines for implementation; amending s. 1008.25, F.S.; conforming provisions; requiring remediation in social studies; revising requirements for an annual report; amending s. 1008.331, F.S.;

establishing local education service providers and penalties for nonperformance of contracted providers; amending s. 1008.385, F.S.; conforming provisions; amending s. 1012.05, F.S.; conforming provisions; amending ss. 1012.28 and 1012.52, F.S.; conforming provisions; amending s. 1012.56, F.S.; requiring the State Board of Education to align subject area examinations to the World Class Education Standards; conforming provisions; amending s. 1012.585, F.S.; applying certain inservice points toward renewal of an educator professional certificate specialization area; amending s. 1012.72, F.S.; conforming provisions; amending s. 1012.98, F.S.; requiring a school district's inservice activities to support state standards; directing districts to align inservice activities to the World Class Education Standards; requiring statewide standardized delivery of certain inservice activities and outcome measurement of such activities; requiring the department to provide statewide standardized professional development and educators to participate therein; requiring the Office of Program Policy Analysis and Government Accountability to submit reports relating to after-school programs; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By the Committee on Regulated Industries; and Senator Ring—

CS for SB 1844—A bill to be entitled An act relating to condominiums and cooperatives; amending s. 718.116, F.S.; prohibiting a condominium association from initiating a foreclosure action for assessments owed earlier than 30 days after the condominium association has given the unit owner written notice of the condominium association's intent to foreclose its lien to collect the unpaid assessments secured by the lien; providing procedures for delivery of the written notice to the unit owner; providing an exception; providing that if a unit owner makes a qualifying offer, the condominium association must suspend its foreclosure action or collection efforts and agree to allow the unit owner to pay all amounts due plus interest within 60 days after receipt of the qualifying offer; defining the term "qualifying offer"; providing procedures for acceptance of the qualifying offer; providing an exception; amending s. 719.108, F.S.; providing that if a unit owner makes a qualifying offer, the cooperative association must suspend its foreclosure action or collection efforts and agree to allow the unit owner to pay all amounts due plus interest within 60 days after receipt of the qualifying offer; defining the term "qualifying offer"; providing procedures for acceptance of the qualifying offer; providing an exception; providing an effective date.

—was placed on the Calendar.

By the Committee on Banking and Insurance; and Senator Posey—

CS for SB 1882—A bill to be entitled An act relating to the Health Care Clinic Act; amending s. 400.9905, F.S.; clarifying certain types of sole proprietorships, group practices, partnerships, corporations, and other legal entities that are not subject to the licensure requirements of the act; amending s. 400.991, F.S.; requiring certain persons having a financial interest in a clinic, or having control over certain activities relating to the operations of a clinic, to undergo background screening; authorizing the Agency for Health Care Administration to adopt rules; authorizing the agency to deny or revoke a license if an applicant, licensee, or person having an interest in a clinic has been excluded, suspended, or terminated from the Medicare or Medicaid programs or has committed certain offenses prohibited under level 2 screening standards; providing additional requirements for background screening with respect to offenses committed within the past 10 years; providing that failure to provide such information is a material omission; authorizing the agency to deny, revoke, or suspend a license or assess an administrative penalty if a person fails to comply with the requirements for background screening; authorizing the agency to declare a loss of exempt status under certain conditions; requiring an applicant that performs magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography to provide certain information to the agency; providing that the submission of fraudulent or misleading information on an application for licensure is a third-degree felony; amending s. 400.9935, F.S.; specifying additional duties of a medical director or clinic director; limiting the number of clinics and employees for which a medical or clinic director may be responsible; requiring that multiple clinics under the control of the same medical or clinic director must be

within a specified proximity; authorizing the agency to waive such limitations upon a showing of good cause; requiring clinics that are exempt from licensure and located within certain counties to obtain a certificate of exemption; requiring that the application be notarized and subject to penalty for perjury; providing for an application fee; providing requirements for renewal of an exemption from licensure; providing a penalty for submitting fraudulent or misleading information in an application for exemption; requiring that the agency issue an emergency order of suspension upon a finding that an applicant has provided false or misleading information or omitted a material fact from an application for a certificate of exemption; amending s. 456.072, F.S.; providing that intentionally providing false information on an application for a certificate of exemption from clinic licensure is grounds for discipline under provisions regulating medical professionals; providing an effective date.

—was referred to the Committees on Health Regulation; and Health and Human Services Appropriations.

By the Committee on Education Pre-K - 12; and Senator Crist—

CS for SB 2458—A bill to be entitled An act relating to high school work experience; creating s. 1003.496, F.S.; authorizing each district school board to adopt policies and procedures for a High School to Business Career Enhancement Program through which student internships shall be offered in each school district; providing internship requirements; providing for the number of internships employers may offer; requiring the screening of the background of employees and contracted personnel of employers participating in the program; clarifying that the employment of a student intern is not employment for purposes of unemployment compensation; authorizing the State Board of Education to adopt rules; providing an effective date.

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By the Committee on Health Policy; and Senator Haridopolos—

CS for SB 2496—A bill to be entitled An act relating to stem cell research; creating s. 381.99, F.S.; providing a short title; providing definitions; creating the Stem Cell Research Advisory Council and Biomedical Ethics Advisory Council within the Department of Health; providing for membership and terms; providing duties and responsibilities; requiring the Secretary of Health to make grants-in-aid from the Biomedical Research Trust Fund for stem cell research; providing requirements relating to applications for and awards of such grants-in-aid; providing specifications for moneys to be made available from the trust fund for stem cell research grants-in-aid; providing restrictions and requirements for uses of funds from such grants-in-aid; providing an appropriation; amending s. 20.435, F.S.; revising references; amending s. 381.86, F.S.; providing an exception to the Institutional Review Board for the Stem Cell Research Advisory Council and Biomedical Ethics Advisory Council; requiring the Department of Health to prepare and distribute a publication regarding the process, options, medical uses, risks, and benefits of umbilical cord blood collection; providing an effective date.

—was referred to the Committees on Commerce; and Health and Human Services Appropriations.

By the Committees on Criminal Justice; and Children, Families, and Elder Affairs—

CS for SB 2866—A bill to be entitled An act relating to sexually violent predators; amending s. 394.913, F.S.; providing for information concerning sexual acts and sexual motivation in a person's criminal history to be provided to multidisciplinary teams treating sexually violent predators; creating s. 394.9223, F.S.; providing for the use of physical force against a person confined in a secure facility as a sexually violent predator under certain circumstances; providing for examinations, reports, and investigations following the use of force; providing for criminal penalties when force is used with malicious intent; creating s. 394.9221, F.S.; authorizing the employment of certified correctional officers at a secure facility; amending s. 916.1091, F.S.; authorizing the

employment of certified correctional officers at forensic facilities; providing for such authority to operate retroactively; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed HB 7059, CS for HB 7061, HB 7063, HB 7069, HB 7071, HB 7073, HB 7075; has passed as amended HB 7065, CS for HB 7079 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Environment and Natural Resources Council; and Representative Mayfield—

HB 7059—A bill to be entitled An act relating to the Water Protection and Sustainability Program Trust Fund; amending s. 201.15, F.S.; revising the distribution of excise taxes on documents credited to the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection; amending s. 403.890, F.S.; revising the distribution of funds within the Water Protection and Sustainability Program Trust Fund by the department; reenacting ss. 403.891(1) and 403.8911(1) F.S., relating to the creation and purpose of the Water Protection and Sustainability Program Trust Fund and annual appropriations therefrom, to incorporate the amendments made to s. 201.15, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By the Policy and Budget Council; Environment and Natural Resources Council; and Representative Mayfield—

CS for HB 7061—A bill to be entitled An act relating to the distribution of sales and use tax revenues; amending s. 212.20, F.S.; revising the distribution of the proceeds from the tax on sales, use, and other transactions; amending ss. 11.45, 202.18, 218.245, 218.65, and 288.1169, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By the Environment and Natural Resources Council; and Representative Mayfield—

HB 7063—A bill to be entitled An act relating to excise taxes on fuel and other pollutants; amending s. 206.9935, F.S.; providing for transferring certain amounts from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund for certain purposes; providing an effective date.

—was referred to the Committees on Environmental Preservation and Conservation; and General Government Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Reagan—

HB 7069—A bill to be entitled An act relating to the Pari-mutuel Wagering Trust Fund; amending s. 550.135, F.S.; providing for use of certain funds received from regulation of slot machine facilities; providing an effective date.

—was referred to the Committee on General Government Appropriations

By the Economic Expansion and Infrastructure Council; and Representative Cannon—

HB 7071—A bill to be entitled An act relating to mobile homes; amending s. 320.822, F.S.; removing the definition of “seal” or “label”; repealing s. 320.824, F.S.; relating to the authority of the Department of Highway Safety and Motor Vehicles to adopt by rule changes in, or modifications to, mobile home standards and to enter any place where mobile homes are manufactured, sold, or offered for sale for certain purposes; amending s. 320.8245, F.S.; conforming a cross-reference; removing authority of the department to promulgate rules and regulations regarding alterations or modifications of mobile homes or recreational vehicles; revising qualifications for the designation of persons qualified to alter or modify a mobile home or recreational vehicle; amending s. 320.8249, F.S.; conforming a cross-reference; repealing s. 320.8255, F.S., relating to mobile home inspections by the department; amending s. 320.827, F.S.; removing a provision authorizing the department to issue labels; requiring mobile homes manufactured in this state to bear a label and certification that the mobile home meets or exceeds the code of the United States Department of Housing and Urban Development; amending s. 320.834, F.S.; revising legislative purpose and intent; providing an effective date.

—was referred to the Committee on Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Cannon—

HB 7073—A bill to be entitled An act relating to distribution of proceeds from the excise tax on documents; amending s. 201.15, F.S.; deleting a provision for distributing certain amounts to the Grants and Donations Trust Fund in the Department of Community Affairs for certain purposes; providing an effective date.

—was referred to the Committees on Community Affairs; Governmental Operations; and Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Cannon—

HB 7075—A bill to be entitled An act relating to transportation funding; amending s. 201.15, F.S.; revising amount of funds from certain taxes distributed to the State Transportation Trust Fund; directing the Department of Transportation to ensure that certain projects are not impacted; amending s. 215.615, F.S.; revising the Department of Transportation’s requirement to share certain costs of fixed-guideway system projects; revising criteria for an interlocal agreement to establish bond financing for fixed-guideway system projects; revising provisions for sources of funds for the payment of bonds; amending s. 337.11, F.S.; providing that certain construction projects be advertised for bids in local newspapers; amending s. 337.14, F.S.; authorizing the department to waive specified prequalification requirements for certain transportation projects under certain conditions; amending s. 337.18, F.S.; revising surety bond requirements for construction or maintenance contracts; providing for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revising the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizing the department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; amending s. 338.2275, F.S.; raising the limit on outstanding bonds to fund turnpike projects; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Environmental Preservation and Conservation; Finance and Tax; and Transportation and Economic Development Appropriations.

By the Healthcare Council; and Representative H. Gibson—

HB 7065—A bill to be entitled An act relating to Medicaid; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration

to implement federal waivers to administer an integrated, fixed-payment delivery program for Medicaid recipients 60 years of age or older or dually eligible for Medicare and Medicaid; providing for voluntary enrollment in the program in specified locations, in accordance with certain requirements; requiring selection of managed care entities to operate the program; providing that such managed care entities shall be considered prepaid health plans; providing for entities to choose to serve certain enrollees; providing for the establishment of informal and formal provider grievance systems; requiring payment of certain nursing home claims within a time certain; providing a timeframe for evaluation of the program by the Office of Program Policy Analysis and Government Accountability; extending the deadline for submission of the evaluation report; authorizing the agency to seek Medicaid state plan amendments; requiring the agency to submit a report to the Legislature; amending s. 408.040, F.S.; conforming terminology to changes made by the act; amending s. 409.915, F.S.; requiring counties to participate in Medicaid payments for certain nursing home or intermediate facilities care for both health maintenance members and fee-for-service beneficiaries; providing an effective date.

—was referred to the Committees Health Policy; and Health and Human Services Appropriations.

By the Policy and Budget Council; Healthcare Council; and Representative Bean—

CS for HB 7079—A bill to be entitled An act relating to biomedical research; amending s. 20.435, F.S.; deleting a reference to conform to changes made by this act; revising the time by which certain balances of appropriations from the Biomedical Research Trust Fund may be carried forward; amending s. 215.5601, F.S.; revising a provision relating to the Lawton Chiles Endowment Fund to conform to changes made by this act; amending s. 215.5602, F.S.; providing legislative findings and intent; revising provisions relating to the James and Esther King Biomedical Research Program; revising provisions relating to program funds and funding; revising long-term goals of the program; revising membership provisions relating to the Biomedical Research Advisory Council; providing that the council serves as the exclusive source of certain biomedical research grant and fellowship awards; requiring the council to create committees; providing requirements for the committees; revising duties of the council; requiring the council to submit a list of priorities for funding to the Legislature; providing for criteria for ranking priorities; providing for the award of grants or fellowships by the council upon a specific appropriation; providing restrictions on the recommendation or award of grants or fellowships by other programs and entities; deleting references to conform to changes made by this act; reducing the limits on administrative expenses; revising requirements relating to the council's annual progress report; revising provisions relating to appropriations; amending s. 381.79, F.S.; providing for the expiration of a provision relating to the distribution of funds from the

Brain and Spinal Cord Injury Program Trust Fund; amending s. 381.853, F.S.; providing a requirement for the Florida Center for Brain Tumor Research relating to the use of state funds for biomedical research; amending ss. 381.912 and 381.98, F.S.; revising and removing references to conform to changes made by this act; amending s. 381.922, F.S.; revising cross-references to conform to changes made by this act; revising the future repeal of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; creating s. 381.923, F.S.; creating the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Council within the Department of Health; providing for duties and functions of the council; providing for membership; providing a requirement for the council to issue an annual report; providing the mission and duties of the Bankhead-Coley Cancer Council; amending s. 430.501, F.S.; providing a requirement for the Alzheimer's Disease Advisory Committee relating to the use of state funds for biomedical research grants or fellowships; amending s. 1004.445, F.S.; providing for the future repeal of provisions and the appropriation relating to certain grants awarded for Alzheimer's disease research; providing a requirement for the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute relating to the use of state funds for biomedical research grants or fellowships; repealing s. 381.855, F.S., relating to the Florida Center for Universal Research to Eradicate Disease; repealing s. 381.92, F.S., relating to the Florida Cancer Council; repealing s. 381.921, F.S., relating to the Florida Cancer Council's mission and duties; providing for severability; providing an effective date.

—was referred to the Committee on Health and Human Services Appropriations.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 12 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—CS for SB 518; Atwater—SB 1024; Bullard—CS for SB 468; Crist—CS for SB's 352 and 240, CS for CS for SB 542, SB 1480, SB 2272; Fasano—CS for SB's 352 and 240, SB 980; Gaetz—CS for SB 1052, CS for SB 1602, SB 1684; Joyner—SB 914; Lawson—CS for SB 116; Lynn—SB 914; Posey—SB 158; Saunders—CS for SB 2356

Senator Alexander withdrew as introducer of SB 1522.

Senator Oelrich was recorded as introducer of SB 1522.

RECESS

On motion by Senator King, the Senate recessed at 4:43 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, April 18 or upon call of the President.